

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

**Julie Muscroft**

Governance and Democratic Services

Civic Centre 3

High Street

Huddersfield

HD1 2TG

**Tel:** 01484 221000

Please ask for: Andrea Woodside

Email: [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk)

Wednesday 9 August 2017

## Notice of Meeting

Dear Member

### **Planning Sub-Committee (Heavy Woollen Area)**

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Reception Room - Town Hall, Dewsbury** at **1.00 pm** on **Thursday 17 August 2017**.

(A coach will depart the Town Hall, at 9.30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light-colored background.

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Planning Sub-Committee (Heavy Woollen Area) members are:-**

### **Member**

Councillor Paul Kane (Chair)  
Councillor Mahmood Akhtar  
Councillor Michelle Grainger-Mead  
Councillor John Lawson  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Cathy Scott  
Councillor Kath Taylor  
Councillor Graham Turner  
Councillor John Taylor

When a Planning Sub-Committee (Heavy Woollen Area) member cannot be at the meeting another member can attend in their place from the list below:-

### **Substitutes Panel**

#### **Conservative**

B Armer  
D Bellamy  
N Patrick  
G Wilson  
D Firth

#### **Green**

K Allison  
A Cooper

#### **Independent**

C Greaves  
T Lyons

#### **Labour**

E Firth  
S Hall  
M Sokhal  
S Ullah  
S Pandor

#### **Liberal Democrat**

A Marchington  
L Wilkinson

# Agenda

## Reports or Explanatory Notes Attached

---

**Pages**

**1: Membership of the Committee**

This is where Councillors who are attending as substitutes will say for whom they are attending.

Councillor J Taylor replaces Councillor Dodds as a permanent change to Committee Membership.

---

**2: Minutes of Previous Meeting**

1 - 16

To approve the Minutes of the meeting of the Committee held on 18 May 2017 and 29 June 2017.

---

**3: Interests and Lobbying**

17 - 18

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will also be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other interests.

---

**4: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

---

**5: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

---

**6: Public Question Time**

The Committee will hear any questions from the general public.

---

**7: Site Visit - Application No: 2017/92147**

Erection of single storey extension at 7, Woodfield Avenue,  
Staincliffe, Batley

(Estimated time of arrival at site – 9.50am)

Contact Officer: Sarah Longbottom, Planning Services

**Wards**

**Affected:** Batley West

---

**8: Site Visit - Application No: 2017/91660**

Erection of single and two storey rear extension at 28, Lower Lane,  
Gomersal, Cleckheaton

(Estimated time of arrival at site – 10.05am)

Contact Officer: Sarah Longbottom, Planning Services

**Wards**

**Affected:** Liversedge and Gomersal

---

**9: Site Visit - Application No: 2017/90823**

Installation of new shop front and entrance at 54, Calder Road,  
Lower Hopton, Mirfield

(Estimated time of arrival at site – 10.35am)

Contact Officer: Sarah Longbottom, Planning Services

**Wards**

**Affected:** Mirfield

---

## **10: Site Visit - Application No: 2017/91046**

Outline application for demolition of existing buildings and structures and erection of residential development at Greenside Mill, Savile Road, Skelmanthorpe

(Estimated time of arrival at site – 11.10am)

Contact Officer: Bill Topping, Planning Services

### **Wards**

**Affected:** Denby Dale

---

## **11: Local Planning Authority Appeals**

19 - 38

The Sub Committee will receive a report detailing the outcome of appeals against decisions of the Local Planning Authority, as submitted to the Secretary of State.

Contact Officer: Julia Steadman, Planning Services

### **Wards**

**Affected:** Batley East; Denby Dale; Kirkburton; Mirfield

---

## **12: Submission of opposed definitive map modification order to the Secretary of State (DEFRA) and the Council stance on its determination - Batley public footpath 71, Hey Beck Lane**

39 - 48

To consider the report.

Contact Officer: Giles Cheetham, Public Rights of Way

### **Wards**

**Affected:** Batley East

---

## **Planning Applications**

49 - 52

The Planning Sub Committee will consider the following schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Monday 14 August 2017.

To pre-register, please contact [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk) or phone Andrea Woodside on 01484 221000 (Extension 74993)

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda.

- 13: Planning Application - Application No: 2017/90661** 53 - 62
- Erection of 14 dwellings at Westfield Assessment Centre, 13, Westfields Road, Mirfield.
- Contact Officer: Bill Topping, Planning Services
- Wards**  
**Affected:** Mirfield
- 
- 14: Planning Application - Application No: 2017/91046** 63 - 74
- Outline application for demolition of existing buildings and structures and erection of residential development at Greenside Mill, Savile Road, Skelmanthorpe.
- Contact Officer: Bill Topping, Planning Services
- Wards**  
**Affected:** Denby Dale
- 
- 15: Planning Application - Application No: 2017/92147** 75 - 84
- Erection of single storey extension at 7, Woodfield Avenue, Staincliffe, Batley.
- Contact Officer: Sarah Longbottom, Planning Services
- Wards**  
**Affected:** Batley West
- 
- 16: Planning Application - Application No: 2017/91660** 85 - 94
- Erection of single and two storey rear extension at 28, Lower Lane, Gomersal, Cleckheaton.
- Contact Officer: Sarah Longbottom, Planning Services
- Wards**  
**Affected:** Liversedge and Gomersal
- 
- 17: Planning Application - Application No: 2017/90823** 95 - 102
- Installation of new shop front and entrance at 54, Calder Road, Lower Hopton, Mirfield.
- Contact Officer: Sarah Longbottom, Planning Services
- Wards**  
**Affected:** Mirfield
-

---

**18: Planning Application - Application No: 2017/91267** 103 - 116

Outline application for demolition of existing farm buildings and erection of 5 detached dwellings at Dry Hill Farm, Dry Hill Lane, Denby Dale.

Contact Officer: Sarah Longbottom, Planning Services

**Wards**

**Affected:** Denby Dale

---

**19: Planning Application - Application No: 2017/92152** 117 - 122

Erection of dwelling forming annex accommodation associated with 20, Bywell Close, Dewsbury.

Contact Officer: Sarah Longbottom, Planning Services

**Wards**

**Affected:** Dewsbury East

---

**Planning Update** 123 - 124

The update report on applications under consideration will be added to the web agenda prior to the meeting.

This page is intentionally left blank



Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

**Thursday 18th May 2017**

Present: Councillor Paul Kane (Chair)  
Councillor Mahmood Akhtar  
Councillor Donna Bellamy  
Councillor Michelle Grainger-Mead  
Councillor John Lawson  
Councillor Marielle O'Neill  
Councillor Andrew Pinnock  
Councillor Richard Smith  
Councillor Cathy Scott  
Councillor Kath Taylor

#### **1 Membership of the Committee**

Councillor S Hall substituted for Councillor Dad.  
Councillor E Firth substituted for Councillor Pervaiz.  
Councillor Sokhal substituted for Councillor G Turner.

#### **2 Minutes of Previous Meeting**

##### **RESOLVED –**

That the Minutes of the Meeting held on 6 April 2017 be approved as a correct record.

#### **3 Interests and Lobbying**

Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, Smith, Scott and K Taylor indicated that they had been lobbied on Application 2016/93910.

Councillor Grainger-Mead indicated that she had been lobbied on Application 2016/93496.

Councillor O'Neill indicated that she had been lobbied on Application 2016/93053.

Councillor S Hall indicated that he had been lobbied on Application 2017/90542 and left the meeting during the consideration and determination of this item.

Councillor Scott indicated that she had been lobbied on Agenda Item 14 (TPO) and Application 2016/93053.

## **Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017**

Councillor Kane indicated that he had been lobbied on Applications 2016/93053, 2016/92558 and 2016/92553.

Councillor Smith indicated that he had been lobbied on Application 2016/93522.

### **4 Admission of the Public**

It was noted that all agenda items would be considered in public session.

### **5 Deputations/Petitions**

No deputations or petitions were received.

### **6 Site Visit - Application No: 2016/92553**

Site visit undertaken.

### **7 Site Visit - Application No: 2016/92558**

Site visit undertaken.

### **8 Site Visit - Application No: 2016/93522**

Site visit undertaken.

### **9 Site Visit - Application No: 2016/93053**

Site visit undertaken.

### **10 Site Visit - Application No: 2017/90542**

Site visit undertaken.

### **11 Site Visit - Application No: 2016/93496**

Site visit undertaken.

### **12 Local Planning Authority Appeals**

The Sub-Committee received a report which set out decisions which had been taken by the Planning Inspectorate in respect of decisions submitted against the decisions of the Local Planning Authority.

**RESOLVED**

That the report be noted.

**13 Planning Appeals - Annual Review**

The Sub-Committee received a report which provided an annual overview of the decisions of the Planning Inspectorate in respect of appeals submitted against the Local Planning Authority between 1 January 2016 and 31 December 2016. The Sub Committee noted that that 40 appeals had been submitted during this period, and that 87% had been dismissed. The appendix to the report provided a breakdown of the appeals and decisions taken.

**RESOLVED**

That the report be noted.

**14 Tree Preservation Order 02/2017**

The Sub-Committee received a report which asked that consideration be given to an objection against the making of Tree Preservation Order 02/2017 at Ravens Lodge Terrace, Huddersfield Road, Dewsbury. The report explained that the properties affected by the Tree Preservation Order were Nos. 2 to 8 Ravens Lodge Terrace, and that the trees were considered to add a high amenity value to the area, which has a limited number of mature trees.

The report advised that an objection to the Order had been received from the owner of No. 8 Ravens Lodge Terrace and set out the reasons for the objection. Under the provisions of Council Procedure Rule 37, a representation from objector Amireen Sabir.

**RESOLVED**

That authority be delegated to the Head of Development Management to confirm Tree Preservation Order 02/17 at Ravens Lodge Terrace, Huddersfield Road, Dewsbury.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Grainger-Mead, S Hall, Kane, Lawson, A Pinnock and Smith (6 votes)

Against: Councillor O'Neill (1 vote)

Abstained: Councillors Akhtar, Bellamy, E Firth, C Scott, Sokhal and K Taylor

**15 Planning Application - Application No: 2016/93910**

The Sub-Committee gave consideration to Application 2016/93910 – Change of use of shop to snooker and games room at Dual House, Wellington Street, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Shazia Qayum and Shazia Rashid (local residents), Raza Ayoube (applicant) and Isteaq Sabir (in support of the application).

**RESOLVED**

That the application be refused on the grounds that (i) it has not been demonstrated that the proposed change of use to a snooker and games room (D2 use), particularly due to the lack of continuous management of the premises and its external area, would not result in an increase in the fear of crime and anti-social behaviour for the local community and (ii) that the increased fear of crime and anti-social behaviour would outweigh the benefits of the re-use of the vacant building and would fail to create a safe and accessible environment, which significantly undermines the quality of life of the local community and is contrary to the aims of Chapter 8 of the National Planning Policy Framework.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, E Firth, S Hall, Kane, Lawson, O'Neill, A Pinnock, Smith, C Scott, Sokhal and K Taylor (12 votes)

Against: Councillor Grainger-Mead (1 vote)

**16 Planning Application - Application No: 2015/90435**

The Sub-Committee gave consideration to Application 2015/90435 – Erection of 14 dwellings with integral garages at former Parkham Foods site, 395 Halifax Road, Liversedge.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Andy Keeling (applicant's agent) and Michael Singh (applicant).

**RESOLVED**

- 1) That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and complete the list of conditions including matters relating to; the standard time limit for implementation of development (3 years), the development to be carried out in accordance with approved plans, samples of all facing and roofing materials, details of boundary treatment, a scheme detailing the proposed internal adoptable estate roads, blocking up of the existing access, full drainage scheme, submission of a Preliminary Risk Assessment (Phase 1 report) to address land contamination and coal mining legacy, submission of an Intrusive Site Investigation Report (Phase II Report) to address land contamination and coal mining legacy, submission of Remediation Strategy to address land contamination and coal mining legacy, implementation of the Remediation Strategy to address land contamination and coal mining legacy, submission of validation report to address land contamination and coal

## **Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017**

mining legacy, noise report or the provision of standard thermal double glazing and ventilation to the bedrooms of Plot 1, landscaping scheme based upon the use of native tree and shrub species, bat and bird boxes, electric charging points, removal of permitted development rights for extensions and new openings and details of storage and access for collection of wastes.

- 2) That authority be delegated to the Head of Development Management to secure a S106 agreement to cover (i) a financial contribution of £32,000 for off-site Public Open Space and (ii) a financial contribution of £6,600.50 for metro cards.
- 3) That, pursuant to (2) above, in circumstances where the S106 Agreement has not been completed within three months of this decision, the Head of Development Management shall be authorised to consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that it would have secured, and would therefore be permitted to determine the Application and impose appropriate reasons for refusal under delegated powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, Smith, C Scott, Sokhal and K Taylor (13 votes)

Against: (no votes)

### **17 Planning Application - Application No: 2016/93053**

The Sub-Committee gave consideration to Application 2016/93053 – Erection of extension to function hall and change of use of attached dwellings (C3) to ancillary prayer room and formation of additional parking at former Ravensthorpe WMC, Huddersfield Road, Ravensthorpe, and land opposite 486 Huddersfield Road.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Terry Prideaux (applicant's agent).

### **RESOLVED**

- 1) That authority be delegated to the Head of Development Management, upon expiration on the publicity period on 2 June 2017, to approve the application, issue the decision notice and compete the list of conditions including matters relating to; development to be carried out in accordance with approved plans and details, car parking to be available at all times the business is operating and carried out in accordance with traffic and car park management plan, hours of use to be not before 7pm and not after 11pm Monday to Friday and not before 11am or after 11pm Saturday and Sunday with no openings on Bank Holidays except those which immediately follow after the month of Ramadan (between the hours of 11am to 11pm) with the detail of this to be agreed in writing with the Local Planning Authority within 3 months of the date of issue of the decision notice, management plan to be agreed to protect neighbours from noise for use of the car parking areas by visitors, guests and

## **Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017**

staff, and the delivery management plan to be agreed in writing with the LPA within 3 months of the date of issue of the decision notice.

- 2) That, at the request of the Sub-Committee, a requirement be included within the S106 Agreement to ensure that any retained deposits collected as a result of breaches to management document are to be given to a local community organisation, and to be spent on improving amenity in the local area.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Sokhal and K Taylor (12 votes)

Against: (no votes)

Abstained: Councillor Smith

### **18 Planning Application - Application No: 2016/92558**

The Sub-Committee gave consideration to Application 2016/92558 – Temporary Permission for the erection of single storey linked modular units Masjid-E-Noor Education centre, Lees Hall Road, Thornhill Lees, Dewsbury.

#### **RESOLVED**

That the application be deferred to enable the submission of information regarding the numbers of students the buildings will accommodate, and to investigate additional parking areas in Charlesworth Street.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Smith, Sokhal and K Taylor (13 votes)

Against: (no votes)

### **19 Planning Application - Application No: 2016/93522**

The Sub-Committee gave consideration to Application 2016/93522 – Erection of two dwellings (within a Conservation Area) at 42-44 Low Town, Kirkburton, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Claire Parker-Hugill (applicant's agent).

#### **RESOLVED**

- 1) That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and compete the list of conditions including matters relating to; time limit for the implementation of development (3 years), development to be carried out in natural stone,

## **Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017**

roofing material to be natural slate, boundary treatment to be in accordance with the submitted details, hard and soft landscaping to be in accordance with submitted details, full details of the window frames to be submitted for approval, surfacing of the driveways to be permeable, removal of permitted development for new openings in the southern gable elevation of plot 1, provision of bat boxes and provision of bird nesting opportunities.

- 2) That, at the request of the Sub Committee, additional conditions relating to (i) the removal of permitted development rights and (ii) bin storage, also be included.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, Kane, Lawson, O'Neill, A Pinnock, C Scott, Sokhal and K Taylor (11 votes)

Against: Councillor S Hall (1 vote)

Abstained: Councillor Smith

### **20 Planning Application - Application No: 2016/93496**

The Sub-Committee gave consideration to Application 2016/93496 – Erection of six starter units adjacent to California Inn, Oxford Road, Gomersal.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from John Robinson (applicant's agent).

### **RESOLVED**

- 1) That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and compete the list of conditions including matters relating to; time limit for the implementation of development (3 years), development to be carried out in accordance with the approved plans and specifications, boundary treatment to be erected in accordance with the submitted details, samples of facing and roofing materials to be submitted, areas of parking/access/turning to be surfaced, drained and marked out, scheme for 'keep clear' markings and information signage within the internal site access arrangement, submission of an ecological design strategy, scheme relating to the installation of low emission vehicle charging points, submission of a noise report with appropriate mitigation measures to protect the occupants of no.s 3 and 5 Brookers Field from noise from the development prior to first use of development, submission of a preliminary risk assessment (phase 1 report), submission of an Intrusive Site Investigation (phase II report), submission of a remediation strategy, implementation of the remediation strategy, submission of a validation report, hours of use of the development to be not before 07:00 am and not after 22:00 hours.
- 2) That additional conditions be included at the request of the Sub-Committee to require a Traffic Management Plan in order to ensure that deliveries of existing and proposed business units can co-exist, and that the hours of

## **Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017**

use be restricted at weekends to between the hours of 08:00 to 17:00 on Saturdays, and 08:00 to midday on Sundays.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, E Firth, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott and Sokhal (9 votes)

Against: Councillors Grainger-Mead and Smith (2 votes)

Abstained: Councillors Bellamy and K Taylor

### **21 Planning Application - Application No: 2016/92553**

The Sub-Committee gave consideration to Application 2016/92553 – Erection of detached dwelling and reinstatement of access adjacent to the Mill, 116 Low Road, Earlsheaton,

#### **RESOLVED**

That authority be delegated to the Head of Development Management to approve the application, upon expiration of the publicity period on 2 June 2017, issue the decision notice and compete the list of conditions including matters relating to; time limit for the implementation of development (3 years), approval of plans, vehicle areas to be laid out, specifications and gradients for driveways and access, electric vehicle point, materials for new dwelling, removal of permitted development rights, intrusive investigation, report from site investigations, remediation strategy, remediation works, bat report, provision of turning facilities, provision of access from the southern section of Low Road, and retaining walls.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Smith, Sokhal and K Taylor (13 votes)

Against: (no votes)

### **22 Planning Application - Application No: 2017/91074**

The Sub-Committee gave consideration to Application 2017/91074 – Erection of detached dwelling (modified proposal) at plot 2, land to rear of 59 Far Bank, Shelley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Georgina Stead (applicant).

#### **RESOLVED**

That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and compete the list of conditions including matters relating to; time limit for the implementation of development (3 years), development to be carried out in accordance with plans and specifications, facing and roofing materials to be inspected and approved, boundary treatment details,



## **Planning Sub-Committee (Heavy Woollen Area) - 18 May 2017**

appropriate re-surfacing of all areas indicated for vehicular access and turning area, no gates/barriers to be erected across the vehicular access from Far Bank, re-locating of street lighting column, landscaping scheme and schedule of landscape maintenance.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Sokhal and K Taylor (12 votes)

Against: (no votes)

Abstained: Councillor Smith

### **23 Planning Application - Application No: 2017/90542**

The Sub-Committee gave consideration to Application 2017/90542 – Erection of extensions at 19 Churchill Grove, Heckmondwike.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Nazim Cheema (applicant).

#### **RESOLVED**

That the application be refused.

(Contrary to the Officer's Recommendation, the Sub-Committee resolved to refuse the application on the grounds that it was not in-keeping with the streetscene)

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Bellamy, E Firth, Grainger-Mead, S Hall, Kane, Lawson, O'Neill, A Pinnock, C Scott, Smith and K Taylor (12 votes)

Against: Councillor Sokhal (1 vote)

This page is intentionally left blank

Contact Officer: Andrea Woodside

**KIRKLEES COUNCIL**

**PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)**

**Thursday 29th June 2017**

Present: Councillor Paul Kane (Chair)  
Councillor Mahmood Akhtar  
Councillor John Lawson  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Cathy Scott  
Councillor Kath Taylor  
Councillor Graham Turner

**1 Membership of the Committee**

Councillor Patrick substituted for Councillor Grainger-Mead.  
Councillor Armer substituted for Councillor Dodds.

**2 Interests and Lobbying**

Councillors Ahmed, Kane, Pervaiz, C Scott, K Taylor and G Turner advised that they had been lobbied on Agenda Item 13.

Councillors Kane, Lawson and A Pinnock advised that they had been lobbied on Agenda Item 14.

Councillor Kane advised that he had also been lobbied on Agenda Items 17 and 18.

**3 Admission of the Public**

Determined.

**4 Deputations/Petitions**

None received.

**5 Public Question Time**

No questions were asked.

**6 Site Visit - Application No: 2017/91139**

Site visit undertaken.

**7 Site Visit - Application No: 2014/91242**

Site visit undertaken.

**8 Site Visit - Application No: 2015/92941**

Site visit undertaken.

**9 Site Visit - Application No: 2017/91339**

Site visit undertaken.

**10 Site Visit - Application No: 2017/90661**

Site visit undertaken.

**11 Site Visit - Application No: 2017/90939**

Site visit undertaken.

**12 Local Planning Authority Appeals**

The Sub-Committee received a report which set out decisions which had been taken by the Planning Inspectorate in respect of decisions submitted against the decisions of the Local Planning Authority.

**RESOLVED –**

That the report be noted.

**13 Planning Application - Application No: 2017/91139**

The Sub-Committee gave consideration to Application 2017/91139 – Erection of place of worship and associated car park and landscape works (within a Conservation area) at 10 Oxford Road, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Nicola Colloby, Andrew Anderson, Megan Winterburn, John

Dennehy, Peter Kaine, Tony Foster and Leigh Manton (local residents) and Hasan Dadibhai (applicant's agent).

**RESOLVED –**

That the application be deferred and that a Traffic Assessment be submitted, including details of a construction management plan, and whether the applicant could fund a residential parking scheme.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Armer, Kane, Lawson, Patrick, Pervaiz, A Pinnock, Scott, K Taylor and G Turner (10 votes)

Against: No votes

**14 Planning Application - Application No: 2014/91242**

The Sub-Committee gave consideration to Application 2014/91242 – Reserved matters application for erection of 47 dwellings at land off Ashbourne Drive

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Heather Freer, Bryan Donaldson and Lisa Moyser (local residents) and Tom Cook (applicant's agent).

**RESOLVED –**

That the application be deferred and that the applicant be requested to consider a revised layout whereby the estate road to the central part of the site would be accessed from the southern access point.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Armer, Kane, Lawson, Patrick, Pervaiz, A Pinnock, Scott, K Taylor and G Turner (10 votes)

Against: No votes

**15 Planning Application - Application No: 2015/92941**

The Sub-Committee gave consideration to Application 2015/92941 – Outline application for erection of 1 dwelling at rear of 37A Halifax Road, Hightown, Liversedge.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Stephanie Tuke (applicant) and Hamish Gledhill (applicant's agent).

**RESOLVED –**

That the application be refused on the grounds that the application site is located within designated Green Belt and that the application did not present very special circumstances. It was considered that the development would be contrary to the

National Planning Policy Framework and would harm the openness of the Green Belt by introducing additional built form that would diminish the open space and thus harm the character of the Green belt.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Armer, Kane, Lawson, Patrick, Pervaiz, A Pinnock, Scott, K Taylor and G Turner (10 votes)

Against: No votes

**16 Planning Application - Application No: 2017/91339**

The Sub-Committee gave consideration to Application 2017/91339 – Erection of detached dwelling at land opposite 14 Bracken Hill, Mirfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representations from Dot Sutherland and Jeremy Daniels (local residents), David Storrie (on behalf of local residents), and Andy Keeling and Chris Hinnitt.

**RESOLVED –**

That the application be refused on the grounds that the resultant massing of the increased ridge height of the dwelling would result in any overbearing impact upon the residential amenity of surrounding occupants, contrary to policy D2 of the UDP.

(The resolution of the Sub-Committee was contrary to the Officer's recommendation).

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Armer, Lawson, Patrick, A Pinnock, K Taylor and G Turner (6 votes)

Against: Councillors Akhtar, Kane, Pervaiz and Scott (4 votes)

**17 Planning Application - Application No: 2017/90661**

The Sub-Committee noted that the applicant had requested that the consideration of the application be deferred.

**RESOLVED –**

That the consideration of the application be deferred, in accordance with the request of the applicant.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Armer, Kane, Lawson, Patrick, Pervaiz, A Pinnock, Scott, K Taylor and G Turner (10 votes)

Against: (no votes)

**18 Planning Application - Application No: 2017/90939**

The Sub-Committee gave consideration to Application 2017/90939 – Erection of extensions at 61 Jackroyd Lane, Upper Hopton, Mirfield.

**RESOLVED –**

That authority be delegated to the Head of Development Management to approve the application, issue the decision notice and complete the list of conditions including; three year time period to commence development, development to be carried out in accordance with approved plans, materials to match existing dwelling, removal of permitted development rights for new openings in northern elevation and removal of permitted development rights for extensions and outbuildings.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows;

For: Councillors Akhtar, Armer, Kane, Lawson, Patrick, Pervaiz, A Pinnock, Scott, K Taylor and G Turner (10 votes)

Against: (no votes)

This page is intentionally left blank



**KIRKLEES COUNCIL**  
**DECLARATION OF INTERESTS AND LOBBYING**  
Planning Sub-Committee/Strategic Planning Committee

Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

**LOBBYING**

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: ..... Dated: .....

## **NOTES**

### **Disclosable Pecuniary Interests**

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and  
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

### **Lobbying**

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

**Name of meeting: PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)**

**Date: 17 August 2017**

**Title of report: LOCAL PLANNING AUTHORITY APPEALS**

**The purpose of the report is to inform Members of planning appeal decisions received in the Heavy Woollen area since the last Sub-Committee meeting.**

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Not applicable</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)?</a></b>	<b>No</b>
<b>The Decision - Is it eligible for "call in" by Scrutiny?</b>	<b>No</b>
<b>Date signed off by Service Director - Economy, Regeneration &amp; Culture &amp; name</b>	<b>Paul Kemp 8 August 2017</b>
<b>Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?</b>	<b>No financial implications</b>
<b>Is it also signed off by the Assistant Director - Legal Governance and Monitoring?</b>	<b>No legal implications</b>
<b>Cabinet member portfolio</b>	<b>Economy, Skills, Transportation and Planning (Councillor McBride)</b>

**Electoral wards affected: Kirkburton; Batley East; Denby Dale; Mirfield;  
Ward councillors consulted: No**

**Public or private:**

---

**1. Summary**

This report is for information only. It summarises the decisions of the Planning Inspectorate, in respect of appeals submitted against the decision of the Local Planning Authority. Appended to this Item are the Inspector's decision letters. These set out detailed reasoning to justify the decisions taken.

**2. Information to note: The appeal decision received are as follows:-**

- 2.1** 2016/60/93931/E - Outline application for erection of two dwellings (within a Conservation Area) at The Old Vicarage, Marsh Hall Lane, Thurstonland, Huddersfield, HD4 6XD (Officer) (Dismissed)

- 2.2** 2016/62/92785/E - Erection of single and two storey extension to front, side and rear at 43, Gladwin Street, Batley, WF17 7RW (Officer) (Dismissed)
- 2.3** 2016/62/92527/E - Erection of detached dwelling on land adjacent to 1a, Wesley Terrace, Denby Dale, Huddersfield, HD8 8RS (Officer) (Dismissed)
- 2.4** 2017/62/90012/E - Erection of detached dwelling on land to rear of 114, West Royd Avenue, Mirfield, WF14 9LE (Officer) (Allowed)

**3. Implications for the Council**

**3.1 There will be no impact on the four main priority areas listed below**

- Early Intervention and Prevention (EIP)
- Economic Resilience (ER)
- Improving outcomes for Children
- Reducing demand of services

**4. Consultees and their opinions**

Not applicable, the report is for information only

**5. Next steps**

Not applicable, the report is for information only

**6. Officer recommendations and reasons**

To note

**7. Cabinet portfolio holder recommendation**

Not applicable

**8. Contact officer**

Mathias Franklin –Development Management Group Leader (01484 221000) [mathias.franklin@kirklees.gov.uk](mailto:mathias.franklin@kirklees.gov.uk)

**9. Background Papers and History of Decisions**

Not applicable

**10. Service Director responsible**

Paul Kemp

---

## Appeal Decision

Site visit made on 27 June 2017

**by Andrew McGlone BSc MCD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 6 July 2017**

---

**Appeal Ref: APP/Z4718/W/17/3171715**

**The Old Vicarage, Marsh Hall Lane, Thurstonland, Huddersfield HD4 6XD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Joseph Martin against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/60/93931/E, dated 24 November 2016, was refused by notice dated 16 February 2017.
  - The development proposed is an outline application for erection of two dwellings.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The application was submitted in outline with all matters reserved for future consideration, except for access and layout. Indicative plans have been submitted. These have formed part of my consideration of this appeal.

### Main Issues

3. The main issues are:
  - whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework);
  - the effect of the proposed development on the openness of the Green Belt and the purposes of including land within it;
  - whether the proposed development would preserve or enhance the character or appearance of the Thurstonland Conservation Area (TCA), including the effect of the proposal on protected trees within and adjacent to the appeal site;
  - the effect of the proposed access and parking arrangements on highway safety; and
  - if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

## Reasons

4. The appeal site is next to the Old Vicarage on the edge of Thurstonland. While the appellant suggests the actual Green Belt boundary is not precisely defined, I gather the northwest portion of the site falls within the Green Belt on the Unitary Development Plan (UDP) Proposals Map. Saved policies in the UDP form the development plan for Kirklees and as such, *planning law requires that application for planning permission must be determined in accordance with the development plan, unless material considerations indicative otherwise*<sup>1</sup>.
5. While the Council has put their Local Plan out for consultation, this is at an early stage in its preparation and I am not aware of the extent of any unresolved objections or its degree of consistency with the Framework. So, even if the site is next to land which could potentially be brought forward for housing development, the Local Plan has yet to be examined, found to be sound or adopted. I also do not know of any unresolved objections to this potential allocation. I therefore attach the Local Plan very little weight.

### *Inappropriate development*

6. The Framework establishes that new buildings in the Green Belt are inappropriate unless they are one of the exceptions listed in paragraph 89. One of the exception is the *limited infilling in villages*. The appellant contends that the appeal scheme would be an infill development between the Old Vicarage and 11 and 15 Marsh Hall Lane. The proposal would however be set considerably back from the dwellings of Nos 11 and 15 which address the lane. Although the proposed dwellings would be next to the Old Vicarage and the rear garden of No 15 shares the site's northern boundary, they would not address the lane or form part of the street scene, even though the vehicular access would provide a link. Thus, the proposal cannot be said to be filling in a gap between existing buildings.
7. It is suggested that the site has been used as a horse training arena while in recent times it is said to have been used as a side garden to the Old Vicarage. The site was covered in gravel which lay on top of a landscape fabric. A low brick wall bounds the site on three sides. A timber arbour and pergola stand on the site. Collectively the site's appearance does not support its former equine use. As such, based on the evidence before me, I do not consider that appeal site is previously developed land<sup>2</sup>.
8. So, while part of the appeal site lies within the village settlement, the appeal scheme, on the whole, is inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the Framework states that substantial weight should be given to any harm to the Green Belt. The proposal would be contrary to paragraph 89 of the Framework. These policies seek to prevent inappropriate development which does not maintain the openness of the land.

### *Openness and purpose*

9. The Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

---

<sup>1</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

<sup>2</sup> National Planning Policy Framework, Annex 2

10. The proposal would result in the introduction of two dwellings. Even so, the site is positioned next to the boundaries of Nos 11 and 15 and immediately adjacent to the Old Vicarage. Hence, I do not consider that the proposal would not result in encroachment into the open countryside which extends to the north-west, west and south-west of the site. While details of the dwellings scale and appearance have been reserved for future consideration and they would be sited near to established trees and shrubs, their volume and footprint would significantly detract from the openness of the land in the Green Belt. This would be in conflict with paragraph 79 of the Framework.
11. The Framework does not seek to make a distinction regarding the level of harm from a reduction in Green Belt openness. It would be a harm to the Green Belt, which is the subject of Framework paragraph 88. In this respect, I conclude that the proposal would be contrary to the fundamental aim of Green Belt policy as described in paragraph 79 of the Framework. For these reasons, this harm also attracts substantial weight against the appeal scheme.

#### *Character or appearance*

12. St Thomas Thurstonland and the Old Vicarage bookend either side of a row of development on the western side of Marsh Hall Lane that is set within spacious verdant grounds. The Heritage Photos confirm that the dwellings in this row are large and set back from the lane. On the eastern side of the lane and on Moor Top Avenue are semi-detached dwellings in smaller plots. These are outside of the TCA. This more recent form of development is closer knit and not akin to the western side of the lane. The Conservation Area Survey Reports (CASR) explains that Thurstonland is a *very attractive rural settlement which has been spoilt by modern infill*.
13. So, while there are a variety of styles and house types in the wider area, the layout and density of the appeal scheme would not reflect the pattern of development on the western side of the lane. Thus, notwithstanding the indicative designs and the proposed use of materials, the dwellings would not be in keeping with the development on the western side of the lane, insofar as their density and layout as sought by saved UDP Policy BE2 or assist in retaining a sense of local identity explained in saved UDP Policy BE1.
14. The CASR also remarks that there are important groups of trees around the Church and the Vicarage. These are protected due to the TCA designation. I note the appellant's view that no mature trees would be affected by the appeal scheme. Nevertheless, I am not persuaded by this statement, given the line of mature trees which are either immediately next to the stone wall that extends along the proposed access or a short distance back from it. The canopies of a number of trees extend over the proposed access and they appear to be in good condition.
15. As the proposal includes changes to widen the vehicular access and modify the established stone wall, I consider that the scheme would result in the direct loss of a number of mature trees or potentially harm a greater number. I am also not convinced that the use of specialist paving would necessarily prevent damage to the tree roots, as I do not have such details before me. There is also no evidence to suggest that the access is already hard surfaced.
16. While landscaping proposals could be brought forward at reserved matters stage, the existing mature trees make a significant contribution to the character and appearance of the site and the TCA. As such they should be retained. While some are set back from the lane, collectively they play a significant role in

the TCA, especially on the western side of Marsh Hall Lane. Thus, the removal of a number of these trees would be visible from the lane and result in harm to the character and appearance of the TCA. This would alter the secluded back drop and privacy that they afford to the Old Vicarage and the site. The use of planning conditions to secure the preservation of the trees would not, in this instance, be appropriate given the conflict between the proposal and the trees.

17. Thus, I consider the proposed development would lead to a significant harm to the character and appearance of the TCA which would be magnified by the loss of a number of protected trees. The result of this would be a development that would be out of kilter with the form of development in the village. It would fail to preserve or enhance the character or appearance of the TCA. Yet, with regard to paragraph 134 of the Framework the harm to the TCA would be less than substantial. Even so this still amounts to a harmful impact which adversely affects the significance of the TCA as a heritage asset. Public benefit would arise from two new dwellings in an area with no five-year supply of deliverable housing sites and in an established village community. But, the harm to the TCA and the site would, to which I attach considerable importance and weight, in my view, clearly outweigh these modest public benefits.
18. I conclude, on this issue, that the proposed development would harm the character and appearance of the TCA, including through the loss of a number of protected trees within and adjacent to the appeal site which would not preserve or enhance the character or appearance of the TCA. The proposal would not accord with saved UDP Policies BE1, BE2, BE5 and NE9, the CASR and paragraph 134 of the Framework. Jointly they, among other things, seek to secure development that is in keeping in terms of its density and layout so as to assist in retaining a sense of local identity by retaining mature trees so that it preserves or enhances the character and appearance of the conservation area.

#### *Highway safety*

19. Access to the proposed dwellings would re-use an existing access that has become overgrown. The access joins Marsh Hall Lane on a slight bend, which is quite wide. Opposite is Moor Top Avenue. The CASR explains that traffic is quite low through the village. This confirms my observations on site.
20. Notably, the plans show a visibility splay of at least 75 metres would be formed in either direction with a 2 metre set back. This splay far exceeds the standard sought by the Council. In this regard, the proposal would not therefore adversely affect highway safety.
21. Each dwelling would have a garage and off-street parking provision in front. This potentially would amount to a provision of three parking spaces. Yet, the garages shown would be shy of the recommended length of 6 metres which would be ideal over the lifetime of the development, given the size of vehicles. This would mean that not every vehicle could use the proposed garages, which is likely to result in vehicles parking on the private access, which would inhibit the ability for vehicles and emergency service vehicles to turn, meaning that they couldn't access the site in forward gear. Even though the access would be widened and the majority of manoeuvres would take place off the highway, saved UDP Policy T10 does explain that development is expected to incorporate appropriate highway infrastructure designed to meet relevant safety standards.
22. Accordingly, I conclude, on this issue that the proposed parking arrangements would fail to ensure highway safety. This would be contrary to saved UDP Policies T10 and T19; which seek to ensure development incorporate



appropriate highway infrastructure designed to meet relevant safety standards and provide off-street parking provision.

*Other considerations*

23. The Council recognise that they are currently unable to demonstrate a five year supply of deliverable housing sites<sup>3</sup>. This means that UDP policies relating to the supply of housing should not be considered up-to-date. Bullet point 4 of paragraph 14 sets out *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.*
24. However, footnote 9 of the second indent of bullet point 4 in paragraph 14, identifies that Green Belt can be such a policy. Thus, even if the UDP is out-of-date, it would not alter my approach in the event of a conclusion that Green Belt policies indicate that the development should be restricted. In any case, the proposal's contribution to the shortfall of housing in the area would be very modest. Thus, I only give this factor limited weight in favour of the appeal.
25. I also note that the proposed dwellings would not result in harm to the living conditions of neighbouring or future occupants and there are no ecological concerns associated with the proposal. However these attract very limited weight in favour of the proposal.

*Other matter*

26. I understand the appellant's frustration that the Council could have sought clarification or requested the necessary information rather than just refusing the application, nevertheless it is open to the appellant to produce the necessary information with a view to finding a solution.

**Conclusion**

27. The appeal scheme would be inappropriate development in the Green Belt and result in a loss of openness. By definition these are harmful and I attach them substantial weight as required by paragraph 88 of the Framework. As such there is a clear conflict with the environmental role of sustainable development. I have also concluded that the proposal would significantly harm the character and appearance of the TCA and that the parking arrangement would fail to meet relevant safety standards. I afford both matters significant weight. They conflict with the social and environmental roles of sustainable development.
28. I have considered matters put before me in favour of the scheme by the appellant, however I conclude that these other considerations taken together do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal does not represent sustainable development.
29. For the reasons set out above, I conclude that the appeal should be dismissed.

*Andrew McGlone*

INSPECTOR

---

<sup>3</sup> Paragraph 47, the National Planning Policy Framework

## Appeal Decision

Site visit made on 3 July 2017

by **Daniel Hartley BA Hons MTP MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 07 July 2017

---

### **Appeal Ref: APP/Z4718/D/17/3173404 43 Gladwin Street, Batley WF17 7RW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr S Yoosoof against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/92785/E, dated 15 August 2016, was refused by notice dated 24 January 2017.
  - The development proposed is a single and two storey extension to front, side and rear.
- 

### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are the effect of the proposal upon (i) the character and appearance of the area and (ii) the living conditions of neighbouring residential properties in respect of light and outlook.

### **Reasons**

#### *Site and proposal*

3. The appeal site comprises a brick built semi-detached house falling within a predominantly residential area. It is the last property in Gladwin Street and is opposite a terrace of stone built houses on Knowles Road. To its side there is Back Snowdon Street which includes a row of terraced buildings. Whilst there is a mixture of house styles and materials in the locality, in the main the properties have simple front facades and unbroken roof lines. Furthermore, there is a very noticeable sense of space between and around properties and this adds distinctive character to the area.
4. It is proposed to erect a two storey side extension to form a secondary staircase into a new en-suite loft bedroom. In addition, a single storey wrap around front/side extension is proposed to create a lobby, living room and WC/shower. There would also be a single storey rear extension to form a kitchen/dining room, four velux roof lights to the front roof slope and a dormer to the rear roof slope.

#### *Character and appearance*

5. I acknowledge that No 39 Gladwin Street includes a front and side extension. However, and notwithstanding the other planning permissions referred to by

the appellant, the majority of the dwellings in the area have simple and relatively unaltered front facades.

6. In this case, the front extension would be connected to a side extension which would be almost as wide as the original house. The rear corner of the side extension would be in very close proximity to Back Snowdon Street. When the front and side extensions are considered as a whole they would appear out of proportion and scale with the house. Such an adverse and discordant impact would be compounded by the fact that it is proposed to erect a large rear roof dormer and a two storey side extension.
7. Taking into account the scale, bulk and position of the whole of the proposed development, I consider that it would have a significantly dominating impact when viewed from the surrounding streets (and the adjacent footpath), would detract from the sense of space between and around properties and would not sufficiently maintain the overall balance and symmetry of the pair of semi-detached houses. When considered as a whole, the development would appear as a series of very differently designed and interconnected extensions. Overall, there would be a distinct lack of design cohesion.
8. The above identified concerns would be compounded by the fact that four roof lights are proposed to the front roof slope. Most of the surrounding properties, including No 41 Gladwin Street, have unbroken roof slopes. In addition, the various extensions include the use of both hipped and gabled roofs at varying heights and the proposed two storey side extension would appear narrow and out of place on the side of the house. In particular, the use of a narrow window within the front elevation of the two storey side extension would not reflect the scale, design and proportions of other windows in the property and would have the effect of creating a dominant mass of front wall which would appear stark and incongruous when viewed from the street.
9. The proposed rear roof dormer would take up a very significant proportion of the rear roof slope of the appeal property. Given its overall bulk and width, I consider that it would appear as a top heavy addition to the roof slope and that it would appear incongruous and dominant when viewed from parts of Back Snowden Street.
10. For the collective reasons outlined above, I conclude that the proposed development would not accord with the design aims of saved Policies D2, BE1, BE2 and BE14 of the Kirklees Unitary Development Plan 1999 (UDP) and Chapter 7 of the National Planning Policy Framework (the Framework).

#### *Living Conditions*

11. The proposed single storey rear extension would have some impact upon the occupiers of No 41 Gladwin Street, but owing to its height and rear projection, the impact would not be significantly adverse in terms of loss of light, privacy or outlook.
12. Notwithstanding the above, the ground floor and first floor side extensions would be positioned in very close proximity to the windows belonging to No 50 Snowdon Street. When considered as a whole, the scale, bulk and proximity of the single and first floor side extensions would be such that it would have an unacceptably enclosing impact when viewed from the rear windows of No 50 Snowdon Street. I do not share the Council's view that this part of the

proposal would result in a material loss of light to the aforementioned properties taking into account the separation distances and as the first floor element of the side extension would be set some distance back from the appeal site boundary. However, this does not alter my view relating to the loss of outlook.

13. For the reasons outlined above, I conclude that the proposal would have a significantly overbearing impact upon the occupiers of No 50 Snowdon Street leading to a material loss of outlook. For this reason, the proposal would not accord with the amenity aims of saved Policies D2 and BE1 of the UDP and paragraph 17 of the Framework which states that planning should "*always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".

### **Other Matters**

14. The appellant has referred me to extensions that have been approved to other dwellings in Gladwin Street. I have not been provided with specific details relating to these planning permissions and so I do not know the exact circumstances which led to them being allowed. In any event, as part of my site visit I was able to view the proposal in the context of the street-scene as it exists now. I could not see any developments that were directly comparable to the appeal proposal or that had the same relationship with other existing properties. I have considered the appeal on its individual planning merits and concluded that the proposal would be unacceptable in planning terms.
15. None of the other matters raised outweigh or alter my conclusions on the main issues.

### **Conclusion**

16. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would not accord with the development plan for the area. Therefore, the appeal is dismissed.

*Daniel Hartley*

INSPECTOR

## Appeal Decision

Site visit made on 5 June 2017

by **Gwyn Clark BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 July 2017

---

### Appeal Ref: **APP/Z4718/W/17/3166387** **Wesley Terrace, Denby Dale HD8 8RS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Adrian Barraclough against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/92527/E, dated 29 March 2016, was refused by notice dated 11 October 2016.
  - The development proposed is to erect a three bedroom detached dwelling on a vacant village infill site.
- 

### Decision

1. I dismiss the appeal.

### Main Issues

2. The main issues in this appeal are the effect upon:
  - the character and appearance of the area and the setting of nearby listed buildings
  - the living conditions of neighbouring properties with specific reference to 1A, 16 and 17 Wesley Terrace
  - highway safety with specific regard to car parking.

### Reasons

#### *Character and appearance*

3. The appeal site, which is a disused area of land near the end of a cul-de-sac, is undoubtedly heavily constrained. It is narrow, there is a steep embankment to the rear, it is irregularly shaped, follows the slope downhill along Wesley Terrace and it lies in close proximity to neighbouring dwellings. The design response is to construct an 'L' shaped split-level house in a traditional style constructed in materials sympathetic to the area. The design would take some reference from the older terraced houses of Wesley Terrace and also reflect the style adopted by the newer dwellings found opposite.
4. However the dominant leg of the 'L' shape would run at right angles to Wesley Lane and the gable wall would be blank in order to avoid potential privacy issues with the dwellings opposite. The shape of the house, the manner in which it addresses the road and its position on rising ground mean that it

- would appear overly dominant and overpowering within the existing street scene.
5. The garden/amenity space around the proposed house would be very limited. This is due to the size of the plot in relation to the footprint of the dwelling. A relatively large area at the front is also given over to provide car parking for this dwelling and its neighbour. While there are several examples of dwellings on awkwardly shaped small plots, some with very limited space around them, each site and its surroundings are different. I have considered this proposal on its own merit. Within the context of Wesley Terrace where gardens tend to be larger and more regular in shape this aspect of the appearance of the proposed development would not reflect the local character.
  6. In respect of the effect of the development upon the Methodist Church and Manse these are both imposing listed buildings of significance standing on Cumberworth Lane not far from and high above the appeal site. The National Planning Policy Framework makes clear that when considering the impact of a proposed development on the significance of a heritage asset great weight should be given to the asset's conservation. Significance can be harmed or lost through, amongst other things, development within the setting of a listed building.
  7. The principle views of both the Methodist Church and Manse are taken from Cumberworth Lane and when viewed from here I consider there to be sufficient separation distance, a significant change in ground level and the intervening access and car park to the front and side of the Manse for the setting of these listed buildings not to be harmed. However the proposal would be seen in front of the listed buildings when approaching from Wesley Terrace. As this is not a principal view of the heritage assets, and a reasonable degree of separation would be maintained, harm would be caused but I consider that this would be limited.
  8. Nevertheless I consider that the proposed development would appear overly dominant and imposing within the street. The combination of the forward projecting large blank gable, the frontage parking and the limited space around the building would lead to the house appearing out of character. I further consider that there would be some harm caused to the setting of the Methodist Church and Manse. Consequently it would prove contrary to policies D2, BE1 and BE2 of the 2007 Kirklees Unitary Development Plan (KUDP), and contrary to the policies of the NPPF which collectively seek to achieve a high standard of design in new development and one that is characteristic of the local area and which preserves the setting of listed buildings.

#### *Living conditions of neighbours*

9. Although I note there is some disagreement over the precise distance between the blank gable wall and the houses opposite I have judged that the minimum distance specified within Policy BE12 of the KUDP between the blank gable of the proposed house and the front of the houses opposite is achieved. However due to its height, width and elevated position I nevertheless consider that it would appear a rather uncompromising and imposing feature to these neighbours and that it would prove quite overbearing.
10. The proposed dwelling would also have an unsatisfactory relationship with the newly built dwelling, No 1A Wesley Terrace. The secondary gable of the new

house would lie very close to and overlap the rear of No 1A. Although set at an oblique angle the proximity of the gable wall would prove harmful to the living conditions of the occupiers through an overbearing and overshadowing effect upon the rear of this house and its garden.

11. As a consequence I consider that the proposed dwelling would prove contrary to the provisions of policy D2 of the KUDP which seeks to protect residential amenity as it would be harmful to the living conditions of neighbours due to an overbearing and overshadowing effect.

#### *Highway safety*

12. The submitted plans indicate four parking spaces within the site to serve the two dwellings, No 1A and the current proposal. While the suitability of these spaces to accommodate a vehicle clear of the highway is disputed I also take into account that Wesley Terrace is a truncated road and only provides access for residents and to the small car park adjacent to the Manse. Consequently traffic is light and traffic speed is low. I also observe that Wesley Terrace is conveniently located in relation to a range of services and facilities and so future occupiers of the proposed dwelling would have easy access to these and to alternative modes of transport.
13. I am satisfied that at least three spaces can be accommodated within the appeal site to serve both dwellings and consider that any deficiency in car parking provision against the provisions of Policy T10 and T19 of the KUDP would in this case not be likely to materially harm highway safety.

#### *Other matters*

14. From the evidence before me I conclude that there is an absence of a five year land supply within the District. By virtue of paragraph 49 of the NPPF this means that relevant policies for the supply of housing cannot be considered up to date. Even though only for a single dwelling the development would contribute towards meeting an important need for houses in the area. The house would be located close to a range of services and facilities including easy access to public transport. Furthermore, although there is no mechanism proposed to ensure it remains an 'affordable' dwelling as defined by the NPPF it nonetheless would be a smaller dwelling which is in greater need. I also consider that an energy efficient dwelling as proposed would be in line with policy BE1 of the KUDP.
15. I have in accordance with paragraph 14 of the NPPF approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits identified. The NPPF identifies three dimensions to sustainable development. Some economic benefit would arise from the construction of the new dwelling and social benefit would arise through providing a new home fulfilling an important need and close to services and facilities. I attribute significant weight to these matters. However there is also an environmental dimension to sustainable development. While the development would be energy efficient and make beneficial use of an untidy and unused site I have concluded that it would have a significant and harmful effect upon the character and appearance of the area and upon the living conditions of neighbours. I also find that some harm would arise as a consequence of the development upon the character and

setting of the nearby listed buildings. I consider that these harmful effects would significantly and demonstrably outweigh the benefits.

**Conclusion**

16. By virtue of the conflict that I have identified with policies D2, BE1 and BE2 of the KUDP the proposal would not be in accordance with the development plan. In my consideration the identified benefits of the development do not outweigh the harmful effects. As the material considerations do not indicate otherwise planning permission should be refused and accordingly the appeal is dismissed.

*Gwyn Clark*

**INSPECTOR**



---

## Appeal Decision

Site visit made on 5 June 2017

by **Gwyn Clark BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 July 2017

---

**Appeal Ref: APP/Z4718/W/17/3171874**

**Land to rear of 114 West Royd Avenue, Mirfield WF14 9LE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr M Brooke against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2017/62/90012/E, dated 23 December 2016, was refused by notice dated 28 February 2017.
  - The development proposed is formation of single storey detached dwelling.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the formation of a single storey detached dwelling on land to the rear of 114 West Royd Avenue, Mirfield WF14 9LE in accordance with the terms of application Ref 2017/62/90012/E, dated 23 December 2016, subject to the attached schedule of conditions.

### Main Issues

2. The main issues are:
  - The effect of the proposal upon the character and appearance of the area with regard to the scale, design and layout of the proposed dwelling
  - The effect of the development upon the living conditions of neighbours with regard to outlook, an overbearing effect and overshadowing.

### Reasons

#### *Effect upon the character and appearance of the area*

3. The houses and bungalows found on this part of Lee Green and West Royd Avenue all back onto one another with the appeal site located at the centre. A short row of traditional terraced houses lead toward the appeal site from Pratt Lane and next to the terrace at some point an additional modern dwelling, 9A Pratt Lane, has been added as an infill. This creates a rather disjointed setting.
4. The wide variety of style of dwellings found in the area surrounding the appeal site has already been commented upon by both parties and by previous appeal Inspectors<sup>1</sup>. This mixed character comprises the traditional terraced row and more modern detached two storey houses and bungalows, including the new

---

<sup>1</sup> Appeal Ref APP/Z4718/W/15/3133151 and APP/Z4718/W/16/3148709

- house granted planning permission to replace the existing bungalow 114 West Royd Road.
5. Pratt Lane is a traditional terraced row constructed in stone. The other properties are constructed in a mix of stone, brick and render. They mainly feature dual pitched roofs however roof forms also display a variety of style with differences found in the angle of pitch, in shape and materials used. Adding to this mix No 9a Pratt Lane, 'Freshfields' and No 116 West Royd Avenue all have flat roofed attached garages. There is also a variation in garden shape and sizes.
  6. The dwelling proposed would sit centrally within the appeal site and would be afforded a reasonable area of useable amenity space, both to the front and rear. It would have a garden of broadly similar size to that of its neighbours and would be proportionate to the size of dwelling proposed. I therefore consider that in terms of scale, density, and layout the dwelling would not appear out of character or constitute an over-development of the site and so would meet the aims of Policy D2 and BE2 of the 2007 Kirklees Unitary Development Plan (KUDP) in this regard.
  7. In terms of its appearance the proposed dwelling has been designed in a quite distinctive manner unlike any of the surrounding and more traditionally constructed dwellings. At its most basic level it has been described as 'a fully rendered box like structure with a mono pitched roof which is akin in appearance to an outbuilding'. It is necessary to consider whether the structure constitutes a good quality design, creates or retains a sense of local identity and is visually attractive, as required by Policy BE1, and also whether it is in keeping with surrounding development in respect of design, materials, building mass and height, as required by Policy BE2 of the KUDP.
  8. It is without doubt a simple structure. A distinctive feature of its design is the absence of a conventional roof. However flat roofed structures are a part of the character of this local area. The dwelling would be mainly rendered. Several of the neighbouring dwellings feature a rendered finish used in combination with brick or stone. The design itself is not displeasing. In particular the extended height vertical windows on the front elevation present an attractive feature in combination with the simplicity of the overall design. Consequently within this context I find it would meet the requirements of Policy BE1 and BE2 of the KUDP.
  9. The dwelling has been designed with an aim towards meeting the 'Passive House' standard and whether or not this is achieved it would have very low energy demands. This would meet aspects of Policy D2 and BE1 of the KUDP in terms of energy efficiency.

*Effect upon the living conditions of neighbours*

10. The site is uneven but generally slopes upwards towards Pratt Lane. In order to facilitate the development the ground would be levelled and in the process the ground level reduced. In addition the entire site except where bounded by existing high stone walls would be fenced using close boarded timber fencing. The new dwelling would stand closest to No 9 Pratt Lane but separated by an existing wall and set at an oblique angle. I consider that due to the low height of the proposed dwelling, its orientation and the distance between, that the occupiers of No 9 would not to be adversely affected to any significant extent.

11. There is general compliance with minimum separation distances contained within policy BE12. Therefore I do not consider the dwelling would have an adverse impact upon neighbours as a result of an overbearing effect, loss of outlook or overshadowing. I particularly note that the minimum separation distances given in Policy BE12 would apply to development of more than one storey and I conclude that the proposal complies with Policies D2 and B12 of the KUDP.

### **Other matters**

12. At the request of the appellant I visited other sites in the local area where 'back land' development has taken place but found these to be of little relevance except to show that a different approach can be taken to meet a particular circumstance. What is appropriate in one situation may not be in another.

### **Conditions**

13. I have attached conditions that generally follow those suggested by the local planning authority and I have added a specific condition in respect of finished floor levels (condition 11), reflecting the reduction in ground level shown in the application.

14. Conditions 1 and 2 are needed in the interest of clarity; Conditions 3, 4, 10 and 11 in order to safeguard the character of the area and residential amenity; Conditions 5, 6 and 7 in the interest of highway safety; Condition 8 in order to ensure that site can be satisfactorily drained; and Conditions 9 in order to promote low emission modes of transport.

### **Conclusion**

15. Having regard to the unique characteristics of this site I consider that the development does meet the terms of Policies D2, BE1, BE2 and BE12 of the KUDP and I allow the appeal and grant planning permission. I do so attaching conditions found in the Annexe to this decision.

*Gwyn Clark*

**INSPECTOR**

## **Annexe to Appeal Reference APP/Z4718/W/17/3171874**

### **Conditions Schedule**

1. The development shall be begun not later than the expiration of three years beginning with the date on which permission is granted.
2. The development hereby permitted shall be carried out in complete accordance with the plans reference 16-011-149, 16-011-150, 16-011-151, 16-011-152, and 16-011-155 except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
3. Samples of all facing and roofing materials shall be inspected by and approved in writing by the local planning authority before works to construct the superstructure of the dwelling commence. Thereafter the dwelling shall be constructed of the approved materials and be retained.
4. Notwithstanding the details and specifications on Plan Ref 16-011-150 and prior to the first occupation of the dwelling a scheme detailing the boundary treatment of the entire site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the dwelling shall not be first occupied until the works as approved have been completed and thereafter shall be retained.
5. All areas to be used for parking and turning shall be laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance before the dwellings are first occupied. Thereafter these areas shall be retained free of any obstruction.
6. Nothing shall be permitted to be planted or erected within a strip of land 2.4m deep measured from the carriageway edge of West Royd Avenue along the full frontage of the site which exceeds 0.9m in height above the level of the adjoining highway.
7. Notwithstanding the submitted plans, a plan detailing the internal turning facilities using swept paths shall be submitted to and approved in writing by the Local Planning Authority before works to construct the superstructure of the dwelling commence. Thereafter the internal turning facilities shall be provided in accordance with the approved details and thereafter retained.
8. A scheme demonstrating an adequately designed soakaway for an effective means of drainage of surface water shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of the dwelling commence. The scheme shall include percolation tests in accordance with BRE Digest 365 along with calculations demonstrating that the designed soakaways can store a critical 1 in 30 year storm event and can empty by 50% within 24 hours. The dwelling shall not be first occupied until the works comprising the approved scheme have been completed and shall be retained thereafter.

9. Prior to first occupation of the dwelling an electric vehicle recharging point shall be installed. Cable and circuitry ratings shall be provided to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32Amps. Thereafter the electric vehicle recharging point so provided shall be retained.

10. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no development included within Classes A, B, C or E of Part 1 of Schedule 2 to that Order shall be carried out.

11. Prior to the commencement of development a plan showing the finished floor level of the dwelling, consistent with cross sections on Drawing Reference Number 16-011-152, shall be submitted to and approved in writing. The dwelling shall be constructed to the finished floor level as approved.

END

This page is intentionally left blank

**Name of meeting:** Planning sub-committee (Heavy Woollen Area)

**Date:** 17 August 2017

**Title of report:** Submission of opposed definitive map modification order to the Secretary of State (DEFRA) and the council stance on its determination. Batley public footpath 71, Hey Beck Lane

**Purpose of report:** Members are asked to note the requisite submission of an opposed definitive map modification order (“DMMO”) to the Secretary of State DEFRA, to add a public footpath to the definitive map and statement, as shown between points A & B on the plan ‘A’ attached to this report; **and to determine the stance** to be taken by the council as the order making authority in the determination process undertaken on behalf of the Secretary of State.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Not applicable If yes also give date it was registered
The Decision - Is it eligible for call in by Scrutiny?	No – council committee
Date signed off by <u>Director</u> & name  Is it also signed off by the Service Director for Financial Management, IT, Risk and Performance?  Is it also signed off by the Service Director (Legal Governance and Commissioning)?	Joanne Bartholomew on behalf of Naz Parkar 27 July 2017  Yes. Eamonn Croston on behalf of Debbie Hogg. 24 July 2017  Julie Muscroft 27 July 2017
Cabinet member <a href="#">portfolio</a>	N/A

**Electoral wards affected:** Batley East

**Ward councillors consulted:** Cllrs. M Akhtar, F Fadia & A Stubley notified of the SOS direction and the opposed order.

**Public or private:** Public

## 1. Summary

- 1.1 The Secretary of State directed the council to make a definitive map modification order (“DMMO”), this was reported to the sub-committee and authorised on 6 April 2017.
- 1.2 The DMMO, if confirmed as made by the Secretary of State will add Batley footpath 71, at Hey Beck Lane, to the definitive map and statement, as shown in Plan A.
- 1.3 The order made on 15 May 2017 attracted an objection from Mr Lilley, the landowner, appended at App A.
- 1.4 The council must submit the opposed order to the Secretary of State (DEFRA) in accordance with Schedule 15, 7 (1), Wildlife & Countryside Act 1981.
- 1.5 When submitting an opposed order, the council should indicate its own stance, as the order-making authority (“OMA”) on the determination of the order.
- 1.6 The council may support or oppose confirmation of the order, or, particularly when it has been directed to make an order, take a neutral stance.

## 2. Information required to take a decision

- 2.1 In October 2016 members considered an application for a definitive map modification order (DMMO) to add a public footpath to the definitive map and statement at Hey Beck Lane and to delete a public footpath from the definitive map at Hey Beck Lane.
- 2.2 After consideration, members resolved not to make an order to do either, on the grounds that there was insufficient evidence to support the application.
- 2.3 The applicant exercised his right to appeal to the Secretary of State DEFRA against the Council’s decision not to make any order
- 2.4 In March 2017 the Secretary of State issued her decision on the appeal, allowing the appeal in part. Her inspector concluded “*that a public right of way on foot has been reasonably alleged to subsist along the addition route*”, as shown in attached Plan A. However “*the available evidence falls short of what is necessary to trigger the making of an order to delete a public right of way*”.
- 2.5 The Secretary of State therefore directed the Council to make a DMMO to add the claimed route to the definitive map and statement as a public footpath.
- 2.6 The committee papers regarding the October 2016 and April 2017 decisions may be consulted.
- 2.7 When submitting an opposed order the council is expected to fulfil its role as order making authority (“OMA”), even in cases of direction.



2.8 It is the council's statutory duty to maintain the definitive map and statement.

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

3.1.1 Providing better facilities for physical activity works towards local and national aims of healthy living.

#### **3.2 Economic Resilience (ER)**

3.2.1 There is an indirect impact of a welcoming environment which helps promote and retain inward investment

#### **3.3 Improving Outcomes for Children**

3.3.1 See 3.1.1

#### **3.4 Reducing demand of services**

3.4.1 See 3.5.

#### **3.5 Other (eg Legal/Financial or Human Resources)**

3.5.1 The Council has a statutory duty to maintain the formal record of public rights of way and to respond to applications and discovery of evidence of unrecorded and mistakenly recorded public rights of way.

3.5.2 The Council must forward an opposed order, for consideration by an inspector appointed by the Secretary of State, who may or may not confirm the order.

3.5.3 Previous committee report of 6 April 2017 noted at 5.3 that this matter would return for sub-committee consideration.

3.5.4 The Secretary of State expects to be informed of the council's stance and the reason for it taking that stance, if it is not in support of its own order.

3.5.5 Where an order has been made upon direction, a council may usually take a neutral stance.

3.5.6 The council is responsible as OMA for certain aspects of the DEFRA determination process, including administrative, legal and public inquiry or hearing accommodation costs.

### **4 Consultees and their opinions**

- 4.1 The full committee papers regarding the 13 October 2016 and 6 April 2017 reports and decisions are available.
- 4.2 Ward members were informed of the two previous committee processes and have been informed that the order has been opposed and that it is requisite to send it to the Secretary of State for determination, with a stance on its confirmation, as OMA.
- 4.3 The order was made on 15 May 2017. During the 28 day formal notice period the council received one objection.
- 4.4 Mr D Storrie made the objection on behalf of Mr R Lilley, the owner of land crossed by the order route. In it, Mr Storrie reiterated the objections already made to the proposed modification. The objection in full is at Appendix A.
- 4.5 The objection states that the addition of the order route would be perverse and that neither the current alignment of footpath 49 or the order addition route is ideal to the two neighbouring property owners.
- 4.6 **Officers would note** that Mr Lilley has previously denied the existence of these additional unrecorded public rights over his land. Landholders may apply to the council for an order to change public rights of way. We have no such application regarding the addition order route.

## 5 Next steps

- 5.1 In April 2017, sub-committee was informed that this matter would be brought before its members again after the order was made and advertised.
- 5.2 Members are asked to note the requisite submission of the opposed order and to determine the stance that the council takes in the Secretary of State's determination of the opposed order.
- 5.3 The order bundle will be prepared and sent to the Rights of Way Section at the Planning Inspectorate, which works on behalf of the Secretary of State, DEFRA.
- 5.4 A decision on confirmation would be reached after either exchange of written representations, a hearing, a public inquiry or an in-house decision.
- 5.5 As the order making authority ("OMA"), the council would take appropriate part in those processes.
- 5.6 The sub-committee has previously made a Council decision that the available evidence is insufficient to demonstrate, on the balance of probabilities, that the public footpath rights subsist. That Council decision was that a reasonable allegation had not been demonstrated by the evidence either.
- 5.7 A council neutral stance is appropriate and in accordance with the Planning Inspectorate's Rights of Way Section Advice Note no 1 and its guidance on procedures for considering objections to orders. Advice note 1 states:

5.7.1 *“In most cases, an OMA will not make an order unless it is satisfied that the circumstances justify it. Exceptions to this occur when an OMA declines to make the requested order but the applicant successfully appeals to the SoS. This will result, in the case of definitive map orders, in the OMA being directed to make the order [...]. In such circumstances, where the OMA has previously assessed the facts of the case and decided the making of an order is not justified, it may opt to oppose confirmation of the order or it may choose to adopt a neutral stance whereby it neither supports nor objects to confirmation.”*

5.8 The guidance states:

5.8.1 *“Local authorities do not always support orders that they have made. A local authority may have been directed to make an order by the Secretary of State, or new evidence may have come to light after the order was made which leads the local authority to change its view. If the local authority sends such an order to us the local authority should explain that it does not support it.”*

## 6. **Officer recommendations and reasons**

6.1 That the Council takes a neutral stance when it submits the order to the Secretary of State for determination.

## 7. **Cabinet portfolio holder’s recommendations**

7.1 Not applicable

## 8. **Contact officer**

Giles Cheetham, Definitive Map Officer

## 9. **Background Papers and History of Decisions**

9.1 872/1/MOD/181

9.2 As sub-committee report and decision : Item 10 of 13 October 2016

9.3 As sub-committee report and decision : Item 7 of 6 April 2017

## 10. **Assistant Director responsible**

10.1 Joanne Bartholomew, Service Director, Commercial Regulatory & Operational Services, Place

This page is intentionally left blank

**WILDLIFE AND COUNTRYSIDE ACT 1981, SECTION 53. KIRKLEES COUNCIL  
(PUBLIC FOOTPATH BATLEY 71. HEY BECK LANE, WOODKIRK).  
PUBLIC PATH MODIFICATION ORDER 2017**

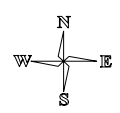


<b>Footpath to be added</b>	<b>A</b>	<b>B</b>
	-----	-----
<b>Definitive footpaths</b>		

<b>Grid references</b>
Point A - SE 2743 2445
Point B - SE 2739 2443



© Crown Copyright and database right 2017.  
Ordnance Survey 100019241



Produced on 11 April 2017

Scale 1 : 1250

This page is intentionally left blank

**Objection of 11 June 2017 to the DMMO to add Batley 71 from David Storrie on behalf of Mr R Lilley**

“Please accept this e-mail as an objection to the above Modification Order on behalf of our client, Mr Rod Lilley of High Barn, Heybeck Lane, Woodkirk, Dewsbury.

We are aware that this is brought about by a recent Inspector’s decision to reject the deletion of part of Public Footpath 71 that runs through our client’s land and in between 75 and 75A Heybeck Lane. The suggestion by the Inspector that the proposed use should be added is perverse and would offer walkers a choice to either use the existing footpath line that is less inviting between 75 and 75A where gates are in place and often closed, and a route that continues through our client’s garden.

In reality neither route is ideal to both landowners but there is a solution that we would ask the Council to consider that would provide an appropriate route along the western boundary of Mr Lilley’s property between a hedge and boundary fence then west to east along Mr Lilley’s southern boundary to rejoin the public footpath. Such a route would avoid the need to go through anyone’s garden or premises and would surely be supported by both the parties involved.

Given the above we reiterate our objection to the modification proposed and respectfully request that Officers enter in to a dialogue with us to explore the alternative proposition.

If the matter is to be reported to a Planning Committee we would like the opportunity to speak.”

This page is intentionally left blank



**In respect of the consideration of all the planning applications on this Agenda the following information applies:**

## **PLANNING POLICY**

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

### **National Policy/ Guidelines**

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27<sup>th</sup> March 2012, the Planning Practice Guidance Suite (PPGS) launched 6<sup>th</sup> March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

## **REPRESENTATIONS**

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

## **EQUALITY ISSUES**

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

## **HUMAN RIGHTS**

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

## **PLANNING CONDITIONS AND OBLIGATIONS**

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

**Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.**

This page is intentionally left blank

---

## Report of the Head of Strategic Investment

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

Subject: Planning Application 2017/90661 Erection of 14 dwellings Westfield Assessment Centre, 13, Westfields Road, Mirfield, WF14 9PW

#### APPLICANT

Stuart Daniel, Riva  
Homes

#### DATE VALID

27-Feb-2017

#### TARGET DATE

29-May-2017

#### EXTENSION EXPIRY DATE

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



Map not to scale – for identification purposes only

---

**Electoral Wards Affected: Mirfield**

Yes

Ward Members consulted  
(referred to in report)

---

## **RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:**

- **The provision of affordable housing two (2) units on site; and**
- **The provision and future maintenance of Open Space on site, and an off-site contribution of £44,000;**
- **Metro cards £6,876.10**

**In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.**

### **1.0 INTRODUCTION:**

- 1.1 This application is brought to the Heavy Woollen Planning Sub-Committee as the application is for residential development on a site in excess of 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.
- 1.2 The application was deferred from the Heavy Woollen Planning Sub-Committee on 29 June 2017 at the request of the applicant.

### **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an area of 1.17ha in the grounds of the former Westfield Assessment Centre at Mirfield. The previous buildings within the site have been demolished. There is a central access road, and adjacent to the entrance to the site is a former gatehouse which has been converted into a dwelling. Within the wider site there are a number of mature trees which are protected by a Tree Preservation Order, with the nearest protected trees to the stone building being located along the north-eastern boundary. The surrounding area is predominately residential; the land to the north of the red line comprises the Orchard View Children's Centre and the access to the care home runs through the site.

### **3.0 PROPOSAL:**

- 3.1 The application seeks planning permission for the erection of 14no. dwellings. The proposed dwellings would be sited either side of a central access road, culminating in a central courtyard area. The proposed layout includes a mix of detached, semi-detached and terraced dwellings with a mix of two storey and two storey with rooms in the roofspace.
- 3.2. Access is proposed to be taken off Westfield Road, and will comprise an extended cul-de-sac of a tarmac shared surface carriageway to be used by both vehicles and pedestrians. There is a turning head at the western end of the site. Also, off the proposed turning head, independent access would be provided to the serve the existing Westfield Centre.
- 3.3. Central to the site is located an area of open space (two areas, one each side of the road) containing a number of the protected trees. The line of TPO'd trees along the northern boundary of the sit, are retained, as part of the landscaping of the scheme.

### **4.0 RELEVANT PLANNING HISTORY:**

2016/91486 Full application for erection of 22 no dwellings- Withdrawn

2014/92673 – Outline application for erection of 11 dwellings – Granted Under Reg.4 General Regulations

2014/92675 – Change of use of existing buildings to 2 apartments – Granted under Reg.4 General Regulations

2015/90633 – Change of use from B1 (a) Office to C3 residential and single storey rear extension – Conditional Full Permission

2015/91955 – Discharge of conditions 3 (external facing materials), 5 (Phase II Intrusive on previous permission

2016/90642 – Prior Notification for proposed demolition of building – Demolition Details Approved

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Pre-application discussions were held following the withdrawal of the previous application for 22 dwellings. Amended plans have been received addressing the proximity of a number of the dwellings to the protected trees. Also detailed highway comments have been addressed.
- 5.2. Given the numbers of units applied for the Council's Affordable Housing policy is applicable. The applicants have submitted a viability appraisal indicating that they believe the site is unviable with an affordable housing contribution.
- 5.3. This appraisal has been sent for independent assessment on behalf of the Council. (Details are included within the Assessment section of this report)

## 6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees

### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- D2** – Unallocated Land
- BE1** – Design principles
- BE2** – Quality of design
- BE12** – Space about buildings
- BE23** – Crime prevention
- NE9** – Retention of mature trees
- T10** – Highway safety
- H10** – Affordable housing
- H12** – Arrangements for securing affordable housing
- G6** – Land contamination
- H18** – Provision of open space
- B4** – Change of use of land and buildings last used for business or industry
- EP11** – Ecological landscaping

### Supplementary Planning Guidance / Documents:

- 6.3 SPD2 Affordable Housing  
Kirklees Council Interim policy on affordable housing

### National Planning Guidance:

- 6.4 **Chapter 6** – Delivering a wide choice of high quality homes  
**Chapter 7** – Requiring Good Design  
**Chapter 10** – Meeting the challenge of climate change, flooding and coastal change  
**Chapter 11** – Conserving and enhancing the natural environment

- 6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is unallocated on the draft local plan.

### Policies:

- PLP1** – Presumption in favour of sustainable development



**PLP2** - Place shaping  
**PLP3** – Location of new development  
**PLP11** – Housing mix and affordable housing  
**PLP21** – Highway safety and access  
**PLP22** – Parking  
**PLP24** – Design  
**PLP28** – Drainage  
**PLP30** – Biodiversity and geodiversity  
**PLP33** – Trees  
**PLP53** – Contaminated and unstable land

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 One letter of representation has been received: The main points of concern are summarised as follows:-

- The scheme is an improvement upon the previous submission, but still objected to -
  - The use of a private road and gates is fraught with difficulties for future maintenance, likewise the maintenance of the open areas within the site is problematic;
  - No affordable housing is offered with the development. This is contrary to Council policy;
  - Any work in close proximity to the protected trees on this site needs very careful monitoring.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**K.C Highways Development Management** – No objections recommend conditions in the event of approval.

**The Coal Authority** – No objections

**K.C Flood Management** – Support the application subject to the implementation in accordance with submitted Flood Risk Assessment. Recommend conditions.

### **8.2 Non-statutory:**

**K.C Environmental Services** – No objections recommend conditions in the event of approval.

**K.C Arboricultural Officer** – Amended plans are considered acceptable, recommend conditions for protection during construction.

**K.C Ecologist** – No objections matters can be the subject of pre- conditions, in the event of approval.

**Yorkshire Water** - No objections recommend conditions in the event of an approval.

**K.C Landscape** - On site POS is acceptable location, future maintenance to be secured through a Section 106 Agreement. In addition an off-site contribution of £44,000 would be required.

**Crime Prevention** – No objections.

**K.C Housing** – There is a demonstrable need for affordable housing in this area, and this should be secured on site.

## **9.0 MAIN ISSUES**

- Principle of development
- Impact on Amenity
- Highways Issues
- Drainage Issues
- Biodiversity
- Environment Issues (Remediation; Air Quality)
- Crime Prevention
- Representation
- Conclusion

## **10.0 APPRAISAL**

### **General Principle:**

- 10.1 The site (formerly the Westfield Assessment Centre,) is a brownfield site located in a predominantly residential area, and has the benefit of an Outline permission for 11 dwellings (2014/92673). As such the principle of residential development has already been established. The site is considered to be in a sustainable location, with good access to public transport and local facilities in the Mirfield Centre.
- 10.2 Given the scale of the development and the number of dwellings involved, the Council's policies on the provision of Public Open Space (POS) and Affordable Housing are relevant
- 10.3 The scheme contains a central area of POS situated around a number of mature protected trees, which is considered acceptable as passive open space. Also required is a financial contribution in lieu towards the improvement of existing play facilities within the area.
- 10.4 The Council's Interim Affordable Housing policy seeks the provision of 20% of units on new housing sites. As such a policy compliant provision would be 3 units in this instance. The applicants have submitted a viability appraisal with the application, indicating that they believe the scheme to be unviable with the level of affordable housing provision required.
- 10.5 This appraisal has been independently assessed at the expense of the applicant, and the Independent Assessor indicates that the scheme should be able to sustain two (2) affordable dwellings. As such, the provision of two (2 no.) affordable dwellings, as well as the Public Open Space (POS), and METRO card provision, will be recommended for inclusion within a Section 106 Agreement.

## **Impact on Amenity**

- 10.6 The scheme comprises 14 no.dwellings in the form of a long cul de sac. The scheme delivers 14 dwellings at a density of just under 14 per ha. This is a relatively low density, but given the nature of the site, particularly the extent and number of protected trees, which have been retained, this is considered to be an appropriate and efficient use of the site. In addition the neighbouring dwellings are a mixture of house types, mainly detached with gardens, which is considered to be compatible with the proposed development
- 10.7 The proposed dwellings are two storey in height (some with rooms in the roofspace), but an appropriate scale; and the use of natural stone and slate is acceptable. In this case the vehicle entrance will be a feature with stone gateposts, which are effectively retained from the past use of the site.
- 10.8 The internal layout satisfies the Council's space about buildings policies (policy BE12 of the UDP), and the distances to the nearest dwellings on Westfield Court are well in excess of the recommended 21 m separation distance, and also the trees along that boundary are to be retained, affording an additional screening effect.
- 10.9 Taking the above into account, the scheme is considered to satisfy the aims of chapter 7 of the NPPF "Requiring good design", and there is no adverse effect upon both visual and residential amenity.

## **Highway issues**

- 10.10 Each of the 14 dwellings will have a minimum of 3 off-street parking spaces. The applicants have demonstrated by means of vehicle swept paths that a large refuse vehicle can enter and turn within the site, and sight lines onto Westfield Road are good in both directions.
- 10.11. The access is taken off Westfield Avenue, via the existing access point to the former complex. The access, its width and available visibility splays are acceptable. The road comprises a shared surface for pedestrians and vehicles with adequate off street and visitor parking available for the numbers of dwellings. Also the internal turning for service vehicles is acceptable, and highways raise no objection to
- 10.12 Highways DM raise no objections subject to the inclusion of conditions for a scheme detailing the proposed internal estate road to include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit.

## **Drainage issues**

- 10.13 The site is located within an area that is Flood Risk Zone 1, i.e. the area least likely to flood. However given the size of the site (i.e. in excess of 1.0 ha), a Flood Risk Assessment is required dealing with surface water.
- 10.14 An updated Flood Risk Assessment has been received with this application, which is supported by the Strategic Drainage Section, withdrawing previous objections. Likewise Yorkshire Water has no objections and recommend conditions.

- 10.15 Conditions are recommended to secure a separate gravity systems, the reduction of surface water run off rates from a former brownfield site, adequate attenuation, and safe flood routing, as well as a temporary drainage solution during construction.
- 10.16 It is considered that this scheme accords with the guidance contained in chapter 10 of the NPPF.

### **Environmental Issues**

- 10.17 Environmental Services have reviewed the Phase I and Phase II Reports by Eastwood & Partners Consulting Engineers dated 26 May 2016 (ref: 39450). They agree with the recommendations in the Phase II and will require validation the 600mm capping layer has been implemented. They also require the lead outlier is addressed and the findings submitted once further investigation has been completed. They raise no objections subject to the submission of a Remediation Strategy and Validation report. Conditions are recommended to secure the above, in accordance with the aims of policy G6 of the UDP and chapter 8 of the NPPF.
- 10.18 With respect to Air Quality, in accordance with the guidance in chapter 8 of the NPPF and the West Yorkshire Low Emissions Strategy, it is proposed to condition the provision of electric charging points within the development.

### **Biodiversity Issues**

- 10.19. The applicants have submitted an Ecological Impact Assessment report that is considered, by officers, to be of a high standard. A number of the trees have high potential to support bats and contain features with the potential to support roosts of high conservation value (maternity roosts).
- 10.20 The applicant has submitted an “Advanced Bat Mitigation Scheme”, which has been amended and updated in accordance with the requirements of the Council’s Ecologist, which is considered to be acceptable, but would need to be fully undertaken and implemented prior to any development commencing. As such is recommended this agreed Advanced Bat Mitigation Strategy be included within any decision as a pre-condition.
- 10.21 It is also recommended that a Landscape Scheme showing habitat creation and retention, together with a Landscape and Ecological Management Plan, be conditioned to ensure the future maintenance of sites biodiversity potential.
- 10.22 Subject to the addition of the above conditions, it is considered that the proposal satisfied the guidance contained in chapter 11 of the NPPF.

### **Crime Prevention**

- 10.23 There has been no objection raised by the Police Architectural Liaison Officer. The layout is considered to afford good natural surveillance of the central area of open space, parking provision is within close proximity and sight of the dwellings it serves, and garden fencing is robust.

10.24 As such it is considered that the scheme accords with policy BE23 of the UDP, as well as the guidance contained in chapter 8 of the NPPF.

### **Representations**

10.25 The comments raised in the one representation have been carefully considered and addressed in the main report above.

## **11.0 CONCLUSION**

11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

11.2 The proposal is considered to constitute sustainable development.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Standard time limit for commencement of development (3 years).
2. Development to be carried out in accordance with approved plans.
3. Environmental Health conditions – Contaminated land remediation, Air Quality (provision of electric charging points).
4. Sample of materials; walling, roof, external doors, windows and boundary treatments.
5. Tree protection/ method statement during construction.
6. Landscape Plan/ Biodiversity enhancement plan.
7. Landscape and Ecological Management Plan.
8. Advanced Bat Mitigation Scheme (pre-commencement condition).
9. Drainage conditions- Implement in accordance with submitted FRA - Temporary drainage scheme during construction.
10. Highway conditions - Visibility; road up to adoptable standards; provision / maintenance of parking.
11. Construction Management Plan.

### **Background Papers:**

Application and history files:

[Link to the application details:-](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90661>

Certificate of Ownership – Certificate A signed and dated 27 February 2017

[Link to application details for 2016/91486 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91486>

[Link to application details for 2014/92673 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f92673>

[Link to application details for 2015/90633 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90633>

[Link to application details for 2015/91955 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f91955>

[Link to application details for 2016/90642 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90642>

---

## Report of the Head of Strategic Investment

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

**Subject: Planning Application 2017/91046 Outline application for demolition of existing buildings and structures and erection of residential development Greenside Mill, Saville Road, Skelmanthorpe, Huddersfield, HD8 9EE**

#### APPLICANT

Paramount Retail Group  
Holdings Ltd, c/o agent

#### DATE VALID

24-Mar-2017

#### TARGET DATE

23-Jun-2017

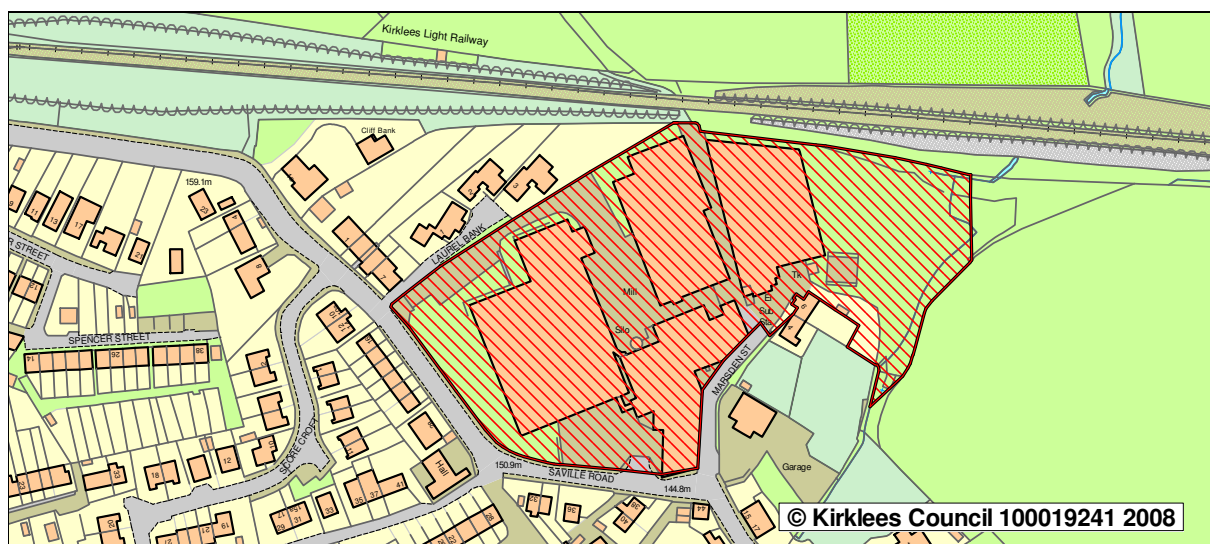
#### EXTENSION EXPIRY DATE

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



Map not to scale – for identification purposes only

---

**Electoral Wards Affected: Denby Dale**

Yes

Ward Members consulted  
(referred to in report)

---

**RECOMMENDATION:**

**DELEGATE Outline approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.**

**1.0 INTRODUCTION:**

1.1 This site is brought to the Heavy Woollen Planning Sub-Committee as the application is for a residential development on a site in excess of 0.5 hectares. This is in accordance with the Council's Scheme of Delegation

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site comprises an area of 1.8 ha, currently occupied by a mill complex (former Greenside Mills). The site has frontages onto Saville Road and Marsden Street, and backs onto Laurel Bank, in Skelmanthorpe. To the north of the site runs the Kirklees Light Railway, and there is a public footpath that crosses the site from Marsden Street, to a crossing point with the Light Railway.

2.2. The site for the majority of its area is covered in buildings and hard standing areas. However to the east adjacent to the Kirklees Light Railway, and neighbouring Green Belt is an area containing some trees and vegetation. There are also some water features, principally a former dying pit and brick channels surrounding it, linking back to the industrial complex.

2.3. The site is within a mixed use area, with dwellings facing and backing onto the site on Saville Road, Marsden Street, and Laurel Bank. Also near the site is a garage business on Marsden Road and a factory with access on the opposite side of Saville Road.

2.4. The site is unallocated on the Unitary Development Plan proposals map.

**3.0 PROPOSAL:**

3.1 Outline permission is sought for the demolition of the existing buildings and the use of the site with all matters reserved.

3.2 The application is accompanied by an illustrative layout, indicating a total of 55 dwellings (detached and semi-detached), with the principle access being taken off Savile Road.



#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 None relevant

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The applicants have submitted a viability appraisal with the application. This includes details of the existing floor areas, to consider if Vacant Building Credit (VBC) is applicable.

5.2 This appraisal has been independently assessed at the expense of the applicant, and this confirms that full VBC would be available for a scheme of 55 as contained on the “indicative “ layout. Other required contributions towards Public Open Space and Education would be deliverable.

#### **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council’s Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

#### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.2 D2 – Unallocated land  
B4 – Change of use of land and buildings last used for business or industry  
BE1 – Design principles  
BE2 – Quality of design  
BE23 – Crime prevention  
T10 – Highway safety  
T16 - Footpaths within sites  
T19 – Parking standards  
G6 – Land contamination  
NE9 – Retention of mature trees  
H10 – Affordable housing  
H18 – Provision of open space

#### Supplementary Planning Guidance / Documents:

6.3 SPD2 Affordable Housing;  
Kirklees Council Interim policy on affordable housing  
Councils Education Contributions policy

National Planning Guidance:

- 6.4 Chapter 1 - Building a strong, competitive economy  
Chapter 4 - Promoting sustainable development  
Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring good design  
Chapter 8 - Promoting healthy communities  
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 11 - Conserving and enhancing the natural environment

6.5 Draft Local Plan

- PLP1 - Presumption in favour of sustainable development  
PLP3 - Location of new development  
PLP7 - Efficient use of land and buildings  
PLP8 - Safeguarding employment premises  
PLP11 - Housing mix and economy  
PLP 20 - Sustainable travel  
PLP21 - Highway safety and access  
PLP22 - Parking  
PLP24 - Design  
PLP28 - Drainage  
PLP30 - Biodiversity and Geodiversity  
PLP32 - Landscape  
PLP33 - Trees  
PLP35 - Historic Environment  
PLP49 - Education and Healthcare needs  
PLP53 - Contaminated and unstable land

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 This application was publicised by site notices and neighbour letters.

10 representation have been received, the main points of concern being.

- The proposal will result in existing residents being unable to park outside their own homes;
- The road network around this site is congested and narrow, any access to housing here must be safe;
- The Traffic Survey submitted is not sufficient, and has not covered appropriate times;
- Extra dwellings will put pressure on already oversubscribed schools and doctors services;
- If permission is allowed then the density should be reduced;
- If residential is allowed, then conversion of the buildings would be preferable, and safeguard an element of Skelmanthorpe's heritage;
- There are 2 very specific comments about siting's and positions of accesses.

7.2 A significant number of the letters do not object to residential in principle and support the development of brownfield sites instead of greenfield.

7.3 Denby Dale Parish Council - No objections, however there are concerns regarding the amount of traffic on Savile Road an access to the site

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

**K.C Highways Development Management** - No objections to the proposal, recommend conditions if planning permission is granted.

**The Environment Agency** - No objections

**The Coal Authority** - No objection subject to imposition of condition

**K.C Strategic Drainage** - Request further information from the Flood Risk Assessment. No objection in principle, any drawings to be marked "indicative" only.

**Forestry Commission** - Raise no objection.

### 8.2 Non-statutory:

**K.C Arboricultural officer** - No objections - request conditions and provision of new planting as part of any Reserved Matters application.

**K.C Conservation and Design** - No objections to the principle of development. None of the buildings on site are of heritage value. This is an outline application with layout still to be agreed. There are issues with the indicative layout that would need to be addressed, at Reserved Matters stage.

**K.C Business and Economy/ Regeneration** - Acknowledge that the site has been vacant for some time and that the applicant has demonstrated that prolonged marketing has be not generated. Given the scale of the proposed development he Business Team could support the application based on the number of direct and indirect employees engaged in the sites design and construction.

**K.C Education Services** - An Education Contribution would be required in this case. Based on 55 family units it would be £68,260.

**Yorkshire Water** - Recommend conditions in the event of approval.

**K.C Environmental Health** - No objection recommend conditions in the event of an approval.

**K.C Strategic Housing** - There is a demonstrable need for affordable housing in this area. The Councils Interim Affordable Housing Policy is applicable here, and the provision of on-site affordable units should be sought via condition.

**K.C Landscape and Parks** - A contribution of £100,000 towards equipment would be required in this case.

**K.C Ecology** - No objections, recommend conditions in the event of approval.

**K.C Police Architectural Liaison Officer** - No comments adverse to the approval of outline permission. Detailed comments and conditions will be considered in the event of a Reserved Matters application being submitted.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Highways Issues
- Drainage Issues
- Environmental Issues (De-contamination/ Remediation; Noise; Air Quality)
- Biodiversity
- Representations
- Conclusion

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site was last in employment use, and as the guidance contained in part 1 of the NPPF and Policy B4 of the Unitary Development Plan is relevant.
- 10.2 Paragraph 22 of the NPPF states:  
“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocation should be regularly reviewed. Where there is no reasonable prospect of the site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to the market signals and the relative need for different land uses to support sustainable communities”.
- 10.3. The site has been vacant since 2013, and marketed for 3 years with minimal interest being received. The surrounding road network is narrow, steep in parts, and access for large lorries is difficult. In addition there is limited scope within the site to expand or grow a business, and residential properties physically abut the site on certain boundaries.
- 10.4 It is considered that it has been satisfactorily demonstrated that there is no reasonable prospect of this site being brought back into employment use, and as such it is appropriate to consider alternative uses for the site.
- 10.5 The site is not allocated for employment in the Emerging Local Plan, whereas the employment area on the opposite side of Savile Road has been designated as an Employment Protection Zone (ie the loss of this site for employment does not conflict with the policies of the Emerging Local Plan).
- 10.6 Paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant housing policies should be considered to be out of date, in the event that the Council is unable to demonstrate a 5 year supply of deliverable housing sites.

- 10.7 The Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, and the site is within a sustainable location. As such there is no objection to the site coming forward for residential development at this stage
- 10.8 Given the size of the site, and the number of dwellings that could be delivered, the Council's policies regarding Affordable Housing; Public Open Space and Education Contributions are relevant. As the proposal does not seek approval of numbers or layout, the levels of contributions necessary to comply with policy cannot be quantified at this stage.
- 10.9 Notwithstanding the above, the applicant has submitted a Viability appraisal, which has been independently assessed. This independent assessment confirms that given the scale of the existing vacant industrial buildings on the site (ie 102,500 sq ft), that a scheme of the scale of the indicative layout ie 55 family homes( ie 59,650 sq ft), will benefit from full vacant building credit, and in accordance with the criteria detailed in the National Planning Practice Guidance. The appraisal also confirmed on the basis of indicative layout full contributions towards both the provision of Public Open Space and Education.
- 10.10 Taking the above into account, it is unlikely that any affordable housing can be secured on the future scheme. However, as no specific numbers are applied for, and Vacant Building Credit cannot be applied retrospectively (ie if the buildings were to be demolished first), it is still appropriate to impose the relevant affordable housing condition at this stage, together with those for Public Open Space and Education.

#### Urban Design issues

- 10.11 The site currently comprises an industrial grouping, which has evolved over the years with subdivisions and various additions and adaptations. The buildings are unremarkable and none are considered to be of any heritage value. The site is not within a Conservation Area. As such there is no objection to the removal of the buildings.
- 10.12 An indicative layout has been submitted with the development, indicating a total of 55 dwellings (comprising a mixture of detached and semi-detached) that would deliver a density of just over 30 dwellings per Ha. The surrounding housing is a mixture of types of residential units, some of which are close to the back edge of pavement. The issue of layout and scale will be the subject of a Reserved Matters layout, however it is considered that the site can deliver an efficient level of development whilst delivering good design and scale, and in terms of appearance, improve upon an existing industrial complex.
- 10.13 The site contains an existing public footpath from Marsden Street to the crossing point of the Light Railway. Currently this is flanked by tall industrial blocks and equipment; a residential solution will be a significant benefit for the character and safety of this path for pedestrian users.
- 10.14 In terms of residential, the use of the site for residential is compatible with the neighbouring residential uses and no objection is raised to the use. The indicative layout has attracted some detailed comments from specific neighbours however layout is not applied for. Also some concerns about the

indicative layout from a Highways perspective have also been received (see below). All matters are reserved for approval at a later stage, and when received will be the subject of fresh notification and consultation as part of any subsequent reserved matters application.

### Highways Issues

- 10.15 This application seeks outline approval (with all matters reserved) to the demolition of existing buildings and structures and erection of residential development at Greenside Mill, Savile Road, Skelmanthorpe.
- 10.16 The application site accommodates the existing Greenside Mill complex, which is made up of 4 large industrial buildings and ancillary offices. These industrial buildings have a combined gross floor area of 102,500sq ft and are located off Saville Road and Marsden Street.
- 10.17 Access to the site is gained via Saville Road by way of two gated accesses and from Marsden Street which runs from Saville Road into the site. These provide access to various parking and servicing areas. Given the location at the centre of Skelmanthorpe, and the size of the existing buildings, it is likely that the residential use will generate less traffic, and in particular, less HGV traffic, than the existing use.
- 10.18 The indicative layout shows 55 proposed dwellings to be served off Saville Road. The proposed development shown on the indicative plans includes a mix of detached and semi-detached houses. A traditional estate road is shown to run approximately north to south through the site serving as access to two adoptable shared surface carriageways and private driveways. An area of public open space is shown located centrally within the development site. A pedestrian link is shown through to public footpath DEN/28.
- 10.19 Whilst it is acknowledged that the layout plan is indicative there are 3 separate private driveway accesses onto Saville Road in addition to the main access road. One of the three proposed private driveways is a particular concern sited on the inside of the bend. Highways DM would recommend that this site is served by a single point of access from Saville Road. This matter can be dealt with at Reserved Matters stage when the internal Layout and the Access are applied for.
- 10.20 Given the location close to the centre of Skelmanthorpe and that the residential development could potentially generate less traffic and in particular less HGV traffic than the existing permitted use, Highway DM have no objection to these proposals and have no wish to resist the granting of planning, subject to the imposition of appropriate conditions.

### Drainage issues

- 10.21 The site is located within Flood Zone 1 (ie the area least likely to flood), but given the size of the site (ie in excess of 1ha), a Flood Risk Assessment has been submitted to deal with surface water drainage. The site does contain an area to the eastern edge of the site which contains an old brick lined pond (formerly an old dying pit, with a number of brick channels located nearby apparently accessing it). The remainder of the site, which is the bulk of the site is covered with industrial buildings and hard surfacing.

- 10.22 This is an outline application for residential on a brownfield site, with all matters reserved. Kirklees Flood Management do not object to the principle of a housing development, but are concerned that the current assessments do not provide satisfactory information to properly assess any potential risk, and that therefore all plans should be labelled clearly as “indicative” only.
- 10.23 The layout submitted is indicative, and it is proposed to require the submission of a series of conditions relating to drainage, including an updated Flood Risk Strategy, to properly inform any drainage proposals at a detailed or reserved matters stage.

#### Environmental Matters (Decontamination/ remediation; Noise; Air Quality)

- 10.24 *Decontamination / Remediation* - The site is an existing industrial complex, and the proposed residential use is a more sensitive end user. A Phase 1 Contaminated Land report has been submitted, which indicates that the site can be decontaminated and made fit to receive a new development. To this end conditions are recommended (these conditions will extend to include the level of survey work the Coal Authority are recommending) in order to ensure that the proposal complies with the aims of policy G6 of the UDP and chapter 11 of the NPPF.
- 10.25 *Noise* - The site is in an area where there are a number of other employment uses, including a motor repair business directly opposite on Marsden Road, and also accessed off Savile Road is the Skelmanthorpe Business Park - which is also safeguarded as an Employment Protection Zone, in the Emerging Local Plan. In the interests of residential amenity for future residents, conditions requiring the submission of a scheme of noise attenuation measures including acoustic fencing and ventilation are submitted for all parts of the site are recommended. This would ensure that the proposal complies with the aims of chapter 11 of the NPPF.
- 10.26 *Air Quality* - Given the scale of the development, in accordance with the guidance contained in the West Yorkshire Low Emissions Strategy, a condition requiring the provision of electric charging points is recommended.

#### Biodiversity

- 10.27 The application is accompanied by an Ecological Survey that is considered to be robust and makes realistic recommendations as to its potential enhancement. The level of bat activity is low, and therefore enhancements aimed at roosting bats are likely to provide benefits.
- 10.28 Towards the eastern end of the site there is the old pond, and associated channels, which, though currently are of little value, are outside the footprints of existing buildings and represents an opportunity to provide wetland enhancement which would in turn improve foraging opportunities for bats.
- 10.29 To the north of the site is the Kirklees Light Railway, the route of which forms part of the Kirklees Wildlife Habitat Network. The planting and trees within this habitat are adjacent to the site, and accordingly should not be affected by any new buildings. A landscape scheme would form one of the reserved matters, should outline permission be granted, and will need to detail species

to augment the existing planting, and improve the space around the existing footpath, and its exit out of the site and across the railway.

- 10.30 It is considered that the proposed site is capable of delivering significant biodiversity enhancement in accordance with the guidance contained in chapter 11 of the NPPF.

### Representations

- 10.31 Officers responses to the representations received are as follows:-

- The proposal will result in existing residents being unable to park outside their own homes;  
Response: No layout is actually applied for at this stage, layout including access and parking arrangements will be the subject of a future reserved matters application, which will be the subject to re-consultation.
- The road network around this site is congested and narrow, any access to housing here must be safe;  
Response: Only the principle of residential is being considered at this stage, and access is still to be approved. It must be considered that the current use of the site allows for an intensive use of existing accesses for vehicles and large HGV's. It is considered that the residential, use will represents a potential reduction in the level of use, and that satisfactory access can be achieved.
- The Traffic Survey submitted is not sufficient, and has not covered appropriate times;  
Response: Highway Services have raised no objection to the Traffic Survey, and it must be remembered any survey needs to pay regard to the existing and potential uses of the site and the associated traffic uses.
- Extra dwellings will put pressure on already oversubscribed schools and doctors services;  
Response - Education Services have raised no objection to the scheme and a condition securing an appropriate level of contribution is proposed. The provision of doctor's services is not a material planning consideration, rather a matter for the Health Authority.
- If permission is allowed then the density should be reduced;  
Response - A specific density is not actually applied for. However the indicative plan shows a density of 30 per ha, which is not an excessive density nor is it inappropriate for this part of Skelmanthorpe which includes a range of house types in immediate proximity to the site.
- If residential is allowed, then conversion of the buildings would be preferable, and safeguard an element of Skelmanthorpe's heritage;  
Response - The site is not within a Conservation Area, and buildings and structures within complex is unremarkable. There is no legitimate justification to require part of the site to be retained for conversion in this case.
- There are 2 very specific comments about siting's and positions of accesses;  
Response - No access is specifically applied for and Highways Services have expressed their own reservations on the positions and numbers of accesses



shown on the “indicative” layout. Although having Access confirmed at Outline stage is useful it is not a formal requirement and cannot be insisted upon.

## **11.0 CONCLUSION**

- 11.1 The site is currently occupied by industrial buildings, that, it is considered are unlikely to come back into employment use, as such in accordance with the guidance contained in paragraph 22 of the NPPF, an alternative use can be considered. This is a brownfield site in a sustainable location, and as such a residential use would be appropriate, and in accordance with the allocation on both the UDP and the Emerging Local Plan which for decision making purposes means approving development proposals without delay.
- 11.2. The proposal is in outline only with all matters reserved. The residential use is compatible with the neighbouring properties, and it is consider that the site can be safely accessed, and that a residential use, represents a less intensive vehicle use for the surrounding network, than the existing large factory complex.
- 11.3 Issues such as drainage and noise are capable of being satisfactorily dealt with by condition. There is significant opportunity for biodiversity enhancement, and policies relating to affordable housing, public open space and education are all covered by appropriate condition.
- 11.4. Outline approval is recommended subject to appropriate conditions.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

- 1. Approval of details of the appearance, layout, landscaping, scale, and access within 3 years (standard outline condition).
- 2. Application for approval of reserved matters within 2 years of the submission of the last reserved matter (standard outline condition).
- 3. Affordable housing requirement.
- 4. Provision of Public Open Space requirement.
- 5. Education contribution.
- 6. Highways conditions – Provision of footways; surfacing and drainage of parking and servicing areas; details of internal adoptable estate roads.
- 7. Environmental Health conditions- Decontamination and remediation; Noise attenuation, provision of electric charging points.
- 8. Drainage conditions - updated Flood Risk Assessment; Surface Water run off strategy; flood routing strategy.
- 9. Biodiversity enhancement strategy; Landscape and Ecological Management Plan; Lighting design strategy for biodiversity.

**Background Papers:**

Application and history files.

Website link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91046>

Certificate of Ownership –Certificate A signed by Mr Nick Willock and dated 24 March 2017.

---

## Report of the Head of Strategic Investment

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

Subject: Planning Application 2017/92147 Erection of single storey extension  
7, Woodfield Avenue, Staincliffe, Batley, WF17 7EA

#### APPLICANT

G Hussain

#### DATE VALID

22-Jun-2017

#### TARGET DATE

17-Aug-2017

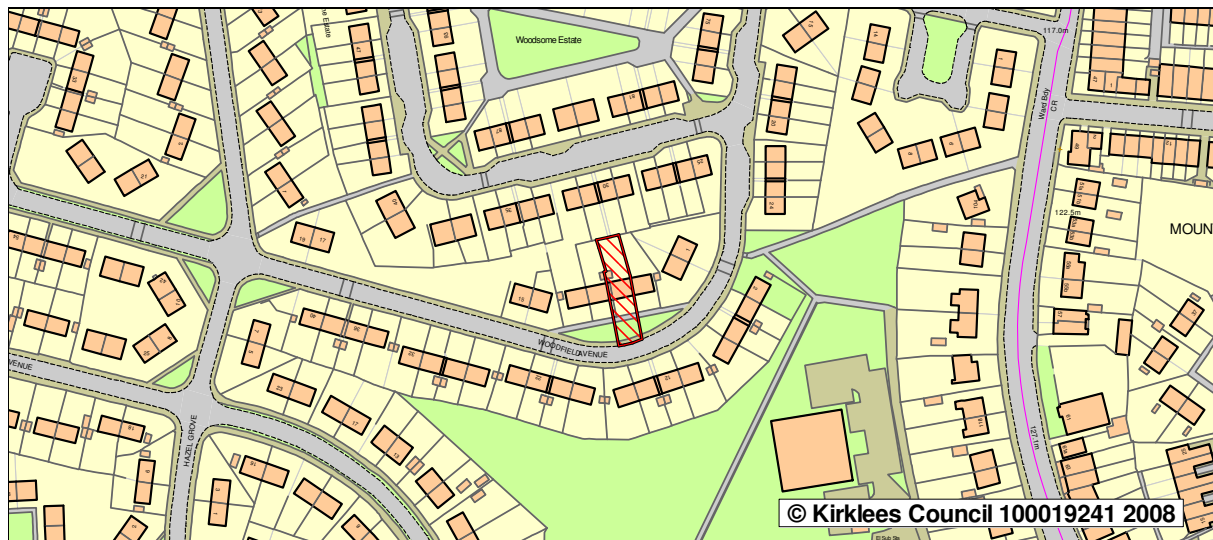
#### EXTENSION EXPIRY DATE

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



Map not to scale – for identification purposes only

---

**Electoral Wards Affected:  
Batley West Ward**

No

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:**

**REFUSE**

**1. The proposed extension to the rear of no. 7 Woodfield Avenue, when considered cumulatively with the existing extension, would have a detrimental impact on the residential amenities of the occupants of the adjoining no.5 Woodfield Avenue. To permit the extension would be contrary to Policies D2 and BE14 of the Kirklees Unitary Development Plan and advice within the National Planning Policy Framework. As well as the aims of the National Planning Policy Framework which states that planning should “*always seem to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*” (paragraph 17).**

**1.0 INTRODUCTION:**

1.1 The application is brought to the Heavy Woollen Planning Sub- Committee at the request of Councillor Gwen Lowe for the following reason:

*“I would request that the application is considered by members, with a site visit, to better appreciate the planning application. Whilst I understand that there are some concerns of the scale of the proposed rear extension in addition an existing extension to the rear of the dwelling, I hope that members of the committee would give additional and sympathetic consideration to the needs of the disabled resident. It cannot be easy for the disabled resident, or the family, to be confined to one small room. As such the additional accommodation proposed, to allow access to the kitchen in the wheel chair as well as having a wet room large enough for family members to help with bathing and use the toilet, would have a huge impact on the quality of life for the disabled resident and the other members of the family. Also whilst I appreciate that normally ground floor extensions for disability would normally be considered in terms of facilities for sleeping and bathing, the additional space proposed within the kitchen would also allow the disabled resident to join in with the family more instead of the disabled resident being isolated in the small bedroom.”*

1.2 Cllr Lowe has requested a site visit for the members to gain a better understanding of the site.

1.3 The Chair of the Sub-Committee has confirmed that Cllr Lowe’s reason for making this request is valid having regard to the Councillors’ protocol for planning committees.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 No. 7 Woodfield Avenue, Staincliffe, Batley is a red brick mid terraced property with an existing porch and enclosed yard area to the front; a shared passageway between the host property and the adjoining no.9 Woodfield Avenue to the side; and existing single and two storey extensions to the rear, along with an enclosed rear yard. There are solar panels on the front roof plane.
- 2.2 The surrounding properties are similarly aged residential properties with some degree of variety in terms of extensions and alterations.

## **3.0 PROPOSAL:**

- 3.1 The applicant is seeking permission for the erection of a single storey rear extension. The extension would project a further 3m from the existing 3m two storey rear extension and 1m from the existing 5m single storey element. The extension would extend across the full width of the dwelling and would have a lean to roof form.
- 3.2 The extension would increase the floor area of the existing kitchen (from 3m by 4.4m to 6m by 4.4m). The bedroom would retain the existing footprint; a lobby area would be created (measuring 1.6m by 2.7m) and the bathroom would alter from the existing 1.15m by 2.9m to 2.6m by 1.3m.
- 3.3 The plans also show ramped access being formed into the rear of the property.
- 3.4 The walls of the extension are proposed to be constructed using red brick with tiles for the roof covering.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2006/91981 – permission was granted for a porch to the front and single and two storey extensions to the rear of the property. The two storey rear extension had a projection of 3m which was in line with policy and an additional 2m part width single storey was approved to provide ground floor bedroom and bathing facilities of a disabled resident.
- 4.2 2016/94228 – permission was refused for a single storey extension to the rear as the cumulative bulk and massing of the proposed extension in addition to the existing extension would result in an overbearing and oppressive impact in terms of the amenities of the occupiers of the adjoining 5 Woodfield Avenue.
- 4.3 2017/91337 – the applicant submitted a larger home notification. This application was disqualified as it did not meet the criteria of permitted development in terms of its height.

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The officer met with the applicant and Cllr Lowe in May 2017 to discuss if any scheme for further extending the property could be supported. The officer discussed the additional space the applicant is trying to achieve and why the

applicant had proposed to increase projection and layout. The Officer explained to the applicant and Cllr Lowe that without the support of the Accessible Homes Team, specifically stating that there is no other way to meet the need of the disabled resident, the proposal would have to be assessed against UDP policy. Advice by officers was that the scheme could not be supported. It was agreed that the officer would discuss with the Accessible Homes Team to see if they would be able to support the application.

5.2 The officer spoke with the Accessible Homes team, who was aware of the disabled resident and the history of the previous applications. They had assessed the needs of the disabled resident last year and they would have met the needs of the client within the existing footprint of the property.

5.3 A response was provided after the meeting and discussions with the Accessible Homes team to the effect that officers would not be able to support any further extension in terms of planning policy and the officer outlined a number of options to Cllr Lowe on 10/05/2017, Cllr Pandor on 16/06/2017 and the applicant on 17/05/2017 as follows:-

1. The applicant appeals the existing refusal (2016/94228) through the Planning Inspectorate – this would need to be started before July 2017 as applicants only have 12 weeks from the issue of the decision to start an appeal;
2. The applicant submits the proposals again and ward councillors request the application is determined by the Planning Committee.

5.4 The officer also advised the applicant of a possible alternative to gain some additional floor space by infilling the area to the side of the existing extension. The applicant did not wish to pursue the suggested option because it would involve the remodelling of the interior of the property.

## **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 The land is without allocation/designation within the UDP and the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **D2** – Unallocated Land  
**BE1** – Design principles  
**BE2** – Quality of design  
**BE13** – Extensions to dwellings (design principles)  
**BE14** – Extensions to dwellings (scale)  
**T19** – car parking

National Planning Guidance:

- 6.3 **Chapter 7** – Requiring good design

Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

- 6.4 **PLP1** – Presumption in favour of sustainable development  
**PLP2** – Place shaping  
**PLP21** – Highway safety and access  
**PLP24** – Design

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 As a result of publicity, no response has been received from neighbouring residents.
- 7.2 Representations of support have been received from Cllr Gwen Lowe (set out in paragraph 1.1 of this report), Cllr Shabir Pandor, and Tracy Brabin MP.

**8.0 CONSULTATION RESPONSES:**

8.1 **Statutory:**

None

8.2 **Non-statutory:**

**K.C. Accessible Homes Team** – Aware of the disabled need and would offset the cost of works. However, they consider the needs could be met within the existing footprint of the building.

**9.0 MAIN ISSUES**

- Principle of development
- Visual amenity
- Residential amenity
- Highway issues
- Representations
- Other matters
- Conclusion

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is unallocated within the Unitary Development Plan. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 (specific policy for development on unallocated land).

### Visual Amenity

- 10.2 The properties on Woodfield Avenue are similarly aged properties which would have been originally alike in design and scale. However, a number of the properties in the area have been extended and altered including the host property. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.3 The property does have a single storey porch to the front and single and two storey extensions to the rear. The proposals now under consideration would increase the development to the rear of the property. However, as the property has a long rear yard area, much of which would be retained, together with a paved front garden, the proposals are not considered to represent overdevelopment of the property.
- 10.4 Furthermore, given the position of the extension to the rear of the dwelling there would be limited views of the property in the wider area, mainly from the gardens of the neighbouring properties. The materials proposed would be to match the main house and the fenestration detail would be acceptable in terms of the domestic character of the host property.
- 10.5 Having taken the above into account, the proposed extension would not cause any significant harm to the visual amenity of either the host dwelling or the wider street scene, complying with Policies D2, BE1, BE13 and BE14 of the UDP and the aims of chapter 7 of the NPPF.

### Residential Amenity

- 10.6 The property to the rear, no.30 Woodsome Estate occupies a position some 23m to the rear of the proposed extension and at a considerably lower level. Given the single storey nature of the extension, together with the separation distance between the properties and the land level difference, there would be no significant harm caused to the amenities of the occupiers of the neighbouring no.30 Woodsome Estate.
- 10.7 The adjoining neighbour to the west, no.9 Woodfield Avenue shares an outbuilding with the host property, which would mitigate the impact of the proposed single storey extension. The extension would therefore not cause any significant harm to the amenities of the occupiers of this property.



- 10.8 The adjoining property to the east, no.5 Woodfield Avenue does have a current planning permission to build an extension which would project 5m on the ground floor. However, at the time of the site visit, work had not been commenced on the approved extension. It is therefore considered by officers that, although there is a live permission for the adjoining no.5 Woodfield Avenue, this is afforded minimal weight at present because it has not been implemented.
- 10.9 The extension would increase the bulk and massing along the common boundary which would have a significant overbearing and oppressive impact. If the neighbour were to implement their permission, the impact would be mitigated to a modest degree. However, the proposed extension to the rear of the host property would still extend further out than the neighbour's property. It is considered that the harm caused with such an extension is unacceptable and the scheme does not therefore comply with policy.
- 10.10 Having considered the above factors, the proposals are considered to result in an overbearing and oppressive impact upon the residential amenity of the adjoining no.5 Woodfield Avenue. As such the proposal fails to comply with policies D2, BE1 and BE14 of the UDP, as well as paragraph 17 of the NPPF which states that planning should "*always seem to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".

#### Highway issues

- 10.11 The proposals will result in some intensification of the domestic use. However the parking area to the front of the property would not be affected by the proposed extension and is considered to provide a sufficient provision. The scheme would not represent any additional harm in terms of highway safety and efficiency, complying with policies D2, T10 and T19 of the UDP.

#### Representations

- 10.12 Representations have been received from Local MP Tracy Brabin and Local Councillor's Gwen Lowe and Shabir Pandor which support the proposed extension in terms of the benefits for the disabled resident. Tracey Brabin MP and Cllr Lowe have both expressed their opinion that the proposals represent a holistic approach to improving the facilities for the disabled resident and allowing for integration for the family as a whole. Cllr Shabir Pandor also supports the proposal in terms of enabling the disabled resident to have a better quality of life.

#### Other matters

- 10.13 A member of the family has physical disabilities with very limited mobility. The resident has been assessed by the appropriate professionals and it has been confirmed that there is a need for further adaptations to be made to the family home.

- 10.14 Members are advised that it is not unusual for larger extensions than would usually be permitted to be granted planning permission when taking account of the special circumstances of an applicant, particularly when disability and mobility issues of the occupiers are the driver behind requiring a larger extension than planning policy would normally allow. This approach is consistent with the requirements of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 10.15 The accommodation proposed within this application will retain the existing ground floor bedroom; alter the existing bathing facilities for the disabled member of the family by re-positioning the shower room and increasing the width 0.15m and the formation of a lobby area. It is also the intention of the applicant to increase the size of the kitchen and install a ramp to the back of the property.
- 10.16 Therefore consultation has been carried out with the Council's Accessible Homes team who confirmed that they are aware of the family and the nature of the disabled resident's needs. As part of their consultation response, the Accessible Homes Team have responded that although they can see the benefits in the proposal in terms of the bathroom, they could provide for the needs of the client within the footprint of the existing dwelling. The Accessible Homes Team are not supporting the proposal as the only option to provide the required facilities in this case. Therefore, there is insufficient weight regarding this issue to override the concerns relating to the impact on the amenities of the occupants of the adjoining property.
- 10.17 Officers have suggested an alternative scheme in terms of infilling the area to the side of the single storey extension away from the shared boundary with the adjoining property, no.5 Woodfield Avenue. Although this would bring the extension closer to the other adjoining neighbour at no.9 Woodfield Avenue, there is an existing outbuilding which would screen much of the extension. The applicant has considered this suggestion however the applicant considers that the significant changes required in terms of the internal arrangements would result in unacceptable financial hardship to the family.

## **11.0 CONCLUSION**

- 11.1 This application to erect a single storey extension to the rear of no.7 Woodfield Avenue has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.
- 11.2 The proposed rear extension, due to the excessive 6m projection when considered with the existing extension, together with its position close to the common boundary with the adjoining no.5 Woodfield Avenue, would form an oppressive and overbearing relationship in terms of the amenities of the occupiers of the adjoining property. As such it would be detrimental to residential amenity and contrary to policies D2 and BE14 of the Kirklees UDP and guidance given in the NPPF.

11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration. Recommendation is therefore to refuse the application.

#### **Background Papers:**

Application and history files:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2006%2f919811>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f942288>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f913377>

Certificate of Ownership – Certificate B completed with notice served on: *Rehana Hussain, 5 Woodfield Avenue*

This page is intentionally left blank

---

## Report of the Head of Strategic Investment

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

Subject: Planning Application 2017/91660 Erection of single and two storey rear extension 28, Lower Lane, Gomersal, Cleckheaton, BD19 4HZ

#### APPLICANT

Ms Jude McKaig

#### DATE VALID

15-May-2017

#### TARGET DATE

10-Jul-2017

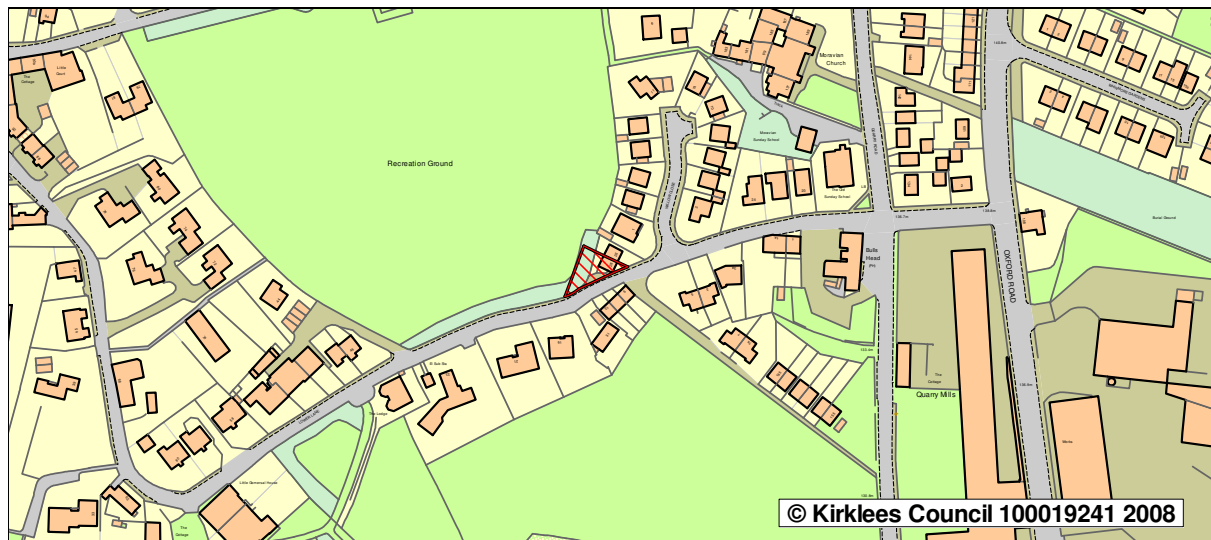
#### EXTENSION EXPIRY DATE

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



Map not to scale – for identification purposes only

---

**Electoral Wards Affected:  
Liversedge and Gomersal Ward**

No

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.**

**1.0 INTRODUCTION:**

1.1 This application is reported to the Heavy Woollen Planning Sub-Committee following a request from Cllr Michelle Grainger-Mead who states:

*“I have been alerted by some residents, that following on from your recent approval of the one storey 6m extension, that was met with objections, there has now been a further application for a second storey extension at the same property. The residents are concerned about the impact this extension would have on their property. They feel that this extension would completely over shadow not only their garden but also the house making the whole area dark. I believe there may be a TPO in place or if not, I believe residents were trying to ensure that there was one put in place, as there are some large, mature trees that if felled would severely affect the Streetscene in that area, if the application were to go ahead. Please could I ask you to seriously consider the consequences of this development on the residents next door. If Planning decided to progress this application for approval, could I request that it was brought to Heavy Woollen Planning Committee with a request for a site visit, for further consideration by the committee”.*

1.2 Cllr Grainger-Mead has requested a site visit for members to gain a better understanding of the site.

1.3 The Chair of the Sub-Committee has confirmed that Cllr Grainger-Mead’s reason for making this request is valid having regard to the Councillor’s protocol for planning committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 28 Lower Lane, Gomersal is a semi-detached stone built dwelling with accommodation over 3 floors. The main front door into the property is located in an elevated position from the road level. The dwelling has a very small garden to the front, drive to the side and tiered garden to the rear.

- 2.2 There are mature trees along part of the rear boundary between the host property and the land to the rear which consists of open fields. The adjoining property is similar in appearance to the host property and there are other residential properties to the front and side with some variety in terms of age and style.

### **3.0 PROPOSAL:**

- 3.1 The applicant is seeking permission for the erection of a single and two storey extension to the rear of the dwelling.
- 3.2 The extension would extend across the width of the dwelling, would project out 6m from the ground floor and 3m from the first floor of the original rear elevation of the dwelling. Both elements would have a perpendicular roof forms.
- 3.3 The walls of the extension are proposed to be stone on the south side elevation and the rear and north side elevation would be finished with render and the roof would be covered with roof tiles.

### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2006/94583 – change of use from 1 dwelling into 2 dwellings – granted and implemented.
- 4.2 2016/93975 – erection of two storey rear extension – refused by reason of its excessive projection at 7.3m.
- 4.3 2017/90932 – larger home notification for 6m single storey rear extension – granted.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The mature trees surrounding the site were issued with a tree preservation order (TPO) during the course of this application. As a result of this, the proposal was amended to retain the existing parking provision instead of providing a new parking area.

### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- 6.2 The land is without allocation on the UDP proposals map and the Kirklees Publication Draft Local Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **D2** – Unallocated Land  
**BE1** – Design principles  
**BE2** – Quality of design  
**BE13** – Extensions to dwellings (design principles)  
**BE14** – Extensions to dwellings (scale)  
**T10** – Highway safety  
**T19** – car parking  
**NE9** – Mature Trees

National Planning Guidance:

- 6.3 **Chapter 7** – Requiring Good Design

Kirklees Publication Draft Local Plan: Submitted for examination April 2017 (PDLP)

- 6.4 **PLP1** – Presumption in favour of sustainable development  
**PLP2** – Place shaping  
**PLP21** – Highway safety and access  
**PLP24** – Design

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 As a result of publicity, 3 letters of objection have been received. The issues raised are summarised below:

- Harm to the established trees.
- Potential for increased traffic.
- The extension would have an overbearing impact on the adjoining property.
- Overshadowing of the dining kitchen window and the rear amenity space of the adjoining property.
- The works would have the potential to de-stabilise the land.
- The extension would represent overdevelopment of the site.
- The use of render would be incongruous within the wider area.
- Concerns regarding the impact on shared facilities, such as the chimney.
- Impact on drainage.
- The occupiers of the adjoining property would not allow the applicant access to their land during construction.
- De-valuation of the neighbour's property.
- The incremental method of application with a refusal then a larger home notification and this application is of concern to the adjoining neighbour.
- The lack of consultation between the applicant and the adjoining neighbour while the other neighbours have been consulted has upset the adjoining neighbour.

- 7.2 Cllr Grainger-Mead has also submitted comments, as outlined in paragraph 1.1 of this report.



## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

None necessary

### 8.2 Non-statutory:

**K.C. Arboricultural officer** – Support the scheme as the proposal has been redesigned to retain the trees. The extensions can be achieved without damage to the protected trees.

## 9.0 MAIN ISSUES

- Principle of development
- Visual Amenity
- Mature / protected trees
- Residential amenity
- Highway issues
- Representations
- Other matters
- Conclusion

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is unallocated within the Unitary Development Plan proposals map. As such, development can be supported providing the proposal does not prejudice the avoidance of overdevelopment, highway safety, residential amenity, visual amenity and the character of the surrounding area in line with the requirements of policy D2 of the UDP (specific policy for development on unallocated land).

### Visual Amenity

- 10.2 The properties on Lower Lane are residential although there is some diversity in terms of age and style. There are true bungalows and chalet style bungalows on Willow Close with a mix of stone and render. There are modern red brick properties on the opposite side of Lower Lane along with traditional cottages with a mix of stone and painted finishes. Dependent upon design, scale and detailing, it may be acceptable to extend the host property.
- 10.3 The rear of the property does have an unusual level of prominence given its orientation with the road. It is accepted by officers that there would be potential for views of the proposed extension on the western approach along Lower Lane.
- 10.4 However, although the projection of the ground floor would 6m, which is more than would normally be supported in terms of policy BE14 of the UDP, this element of the proposal has already been agreed through the larger home notification procedure (reference 2017/90932).

- 10.5 It should be noted that the raised land to the rear of the dwelling would be excavated to accommodate the ground floor, therefore minimising the visual impact of the extension to a degree.
- 10.6 The first floor would have a projection of 3m, which is in line with policy BE14 of the UDP. It should be acknowledged that there has been a previous scheme for a two storey extension refused on this site however, the previously refused scheme projecting in excess of 7m at both ground and first floor level. This scheme now proposes the first floor element to project 3.0m. As such, officers are satisfied that this scheme addresses the previous concerns regarding bulk and massing.
- 10.7 The host property is a three storey dwelling and therefore the height of the proposed extension is limited and would be in line with the first floor of the property. The second floor of the host property would be retained as existing. The scale of the extension is therefore considered to be acceptable, relative to the size of the host property and its associated curtilage.
- 10.8 The extension is proposed to be constructed using stone for the side elevation which will face towards Lower Lane, similar in appearance to the stone used in the existing dwelling. This would aid the proposed extension in forming an appropriate relationship with the host property, particularly given the side wall of the extension would be a continuation of the main side wall of the dwelling.
- 10.9 The rear elevation and the opposite side elevation, which would face towards the garden of the neighbouring 26 Lower Lane, are proposed to have a render finish. This is, on balance, considered to be acceptable in forming an appropriate contrast with the main property. Furthermore, the surrounding properties have a diverse pallet of materials, including stone, brick and render. The proposed extension is not considered to form an incongruous or out of keeping feature within the area.
- 10.10 In addition to the above, the design of the roofs proposed over the ground and first floor extensions are considered to form an appropriate relationship with the main house, as are the window openings in terms of their proportion and position.
- 10.11 For the reasons outlined above, the proposed extensions are considered to be acceptable in terms of visual amenity and would accord with the aims of Policies D2, BE1, BE2, BE13, and BE14 of the UDP as well as chapter 7 of the NPPF.

#### Mature / protected trees

- 10.12 The initially submitted plans showed the existing parking area being altered to form a garden and a new parking area being formed. The new parking area would have requiring the removal of two mature trees. However, the trees along both sides of the boundary have now been served with Tree Preservation Orders (TPO's) (*subject to confirmation by the Council*).

- 10.13 The proposed site plan has since been amended to retain the existing parking in its current position. Furthermore, the position of the proposed extension relative to the now protected trees is such that the continued vitality of the trees would not be compromised because a sufficient separation distance would be retained.
- 10.14 Taking the above into account, and following consultation with the Council's Arboricultural officer, there are no significant concerns regarding the impact of the development on the protected trees. The proposals are therefore considered to comply with the aims of Policy NE9 of the UDP.

#### Residential Amenity

- 10.15 There are no properties to the rear of the dwelling which would be affected by the proposed extension.
- 10.16 The neighbouring properties to the south side, nos.13 and 15 Lower Lane are positioned at an angle to the host property on the opposite side of the road. Given the orientation of the dwellings together with the separation provided by both the land to the side of the host property and the road itself, there would be no undue harm caused to the amenities of the occupiers of these neighbouring properties.
- 10.17 The extension would be built along the common boundary with the adjoining no.26 Lower Lane. The adjoining property does have a modest patio area, external door, and a very small second floor window adjacent to the common boundary. Taking the above into account, there is potential for the proposed extension to cause an overbearing and oppressive impact as well as some overshadowing in the later afternoon.
- 10.18 The previous application was submitted for a two storey extension with a projection of 7.5m. The application was refused on the grounds of the impact on the amenities of the occupiers of the adjoining property.
- 10.19 The current proposals include a ground floor extension with a projection of 6m, which is still significantly greater than would normally be supported in terms of policy BE14 of the UDP. However, as previously set out, the ground floor has already been agreed via the larger home notification procedure.
- 10.20 The first floor has been reduced significantly since the previously refused application and is now proposed to have a projection of 3m. This is in line with policy BE14 of the UDP. It is acknowledged that there would still be some impact on the amenities of the occupiers of the adjoining property however, the impact is minimised with the 3m projection together with the limited height of the extension. Furthermore, the proposal would incorporate a pitched roof form which would take the vertical emphasis up and away from this neighbouring property.
- 10.21 For the reasons outlined above, the proposed extensions are considered to be acceptable in terms of residential amenity and would comply with the aims of Policies D2, BE1, BE2, and BE14 of the UDP as well as the NPPF.

## Highway issues

- 10.22 The proposed extensions would represent an intensification of the domestic use at the site. However, the level of additional accommodation is not significant and would not warrant the formation of additional off-street car parking spaces over and above the existing capacity.
- 10.23 The proposed plans show the retention of the parking area which has the capacity to host two vehicles off road. The scheme would not represent any additional harm in terms of highway safety and efficiency, complying with Policies D2, T10 and T19 of the UDP.

## Representations

- 10.24 Concerns relating to visual amenity, residential amenity and highway safety have been addressed in the relevant sections of the report above but are highlighted here, together with other issues raised, along with the response of officers.
- Harm to the established trees.  
**Response:** this is a material consideration and has been addressed within paragraphs 10.12 – 10.14 of the main report.
  - Potential for increased traffic.  
**Response:** this is a material consideration and has been addressed within paragraph 10.22 – 10.23 of the main report.
  - The extension would have an overbearing impact on the adjoining property.  
**Response:** this is a material consideration and has been addressed within paragraphs 10.17 – 10.20 of the main report.
  - Overshadowing of the dining kitchen window and the rear amenity space of the adjoining property.  
**Response:** this is a material consideration and has been addressed within paragraphs 10.17 – 10.20 of the main report.
  - The works would have the potential to destabilise the land.  
**Response:** paragraph 120 of the NPPF states that, “where a site is affected by [contamination or] land stability issues, responsibility for securing a safe development rests with the developer and/or landowner”.
  - The extension would represent overdevelopment of the site.  
**Response:** this is a material consideration and has been addressed within paragraph 10.7 of the main report.
  - The use of render would be incongruous within the wider area.  
**Response:** this is a material consideration and has been addressed within paragraphs 10.8 – 10.9 of the main report.
  - Concerns regarding the impact on shared facilities, such as the chimney.  
**Response:** this is not a material consideration. The granting of a planning application does not override any private legal matters, such as land ownership, which is covered under civil legislation.

- Impact on drainage.  
**Response:** due to the scale and nature of the proposal, along with the location of the site, consultation is not required to be carried out with the Council's Strategic Drainage section, Yorkshire Water, or the Environment Agency. Furthermore, as part of any subsequent application for Building Regulations, the applicant would need to show adequate drainage systems etc to serve the property.
- The occupiers of the adjoining property would not allow the applicant access to their land during construction.  
**Response:** this is not a material consideration as it relates to ownership which is covered under civil legislation. A note can be added to the decision notice if the application is approved to reinforce the applicant's awareness that the grant of planning permission does not override the neighbour's rights regarding access over their property.
- Devaluation of the neighbour's property.  
**Response:** this is not a material consideration.
- The incremental method of application with a refusal then a larger home notification and this application is of concern to the adjoining neighbour.  
**Response:** this is not a material consideration. The procedures which have been used by the applicant are available as part of the planning process.
- The lack of consultation between the applicant and the adjoining neighbour while the other neighbours have been consulted has upset the adjoining neighbour.  
**Response:** this is not a material consideration. Although it is good practise, there is no statutory duty for the applicant to consult with their neighbours prior to submitting a planning application.

### Other Matters

10.25 There are no other matters considered relevant to the determination of this application.

## **11.0 CONCLUSION**

11.1 This application is for single and two storey extensions to the rear of 28 Lower Lane has been assessed against relevant policies in the development plan as listed in the policy section of the report, the National Planning Policy Framework and other material considerations.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations.

**12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Time limit (3 years) for implementation of development.
2. Development to be carried out in accordance with the approved plans and information.
3. The external walls on the south western elevation of the extension to be faced in natural stone to match that used on the host dwelling.
4. The render finish on the west and north elevation shall be painted with a cream colour or equivalent to standard colour code RAL1013 (oyster white).
5. Removal of permitted development rights for the insertion of any windows/openings in the side elevation of the extensions facing towards no. 26 Lower Lane.

**Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2F90932>

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2F93975>

Certificate of Ownership – Certificate A signed by Ms Jude McKaig and dated 23/11/2016.

---

## Report of the Head of Strategic Investment

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

**Subject: Planning Application 2017/90823 Installation of new shop front and entrance 54, Calder Road, Lower Hopton, Mirfield, WF14 8NR**

#### APPLICANT

Neil Kapusi, The Design  
Shed Ltd

#### DATE VALID

14-Mar-2017

#### TARGET DATE

09-May-2017

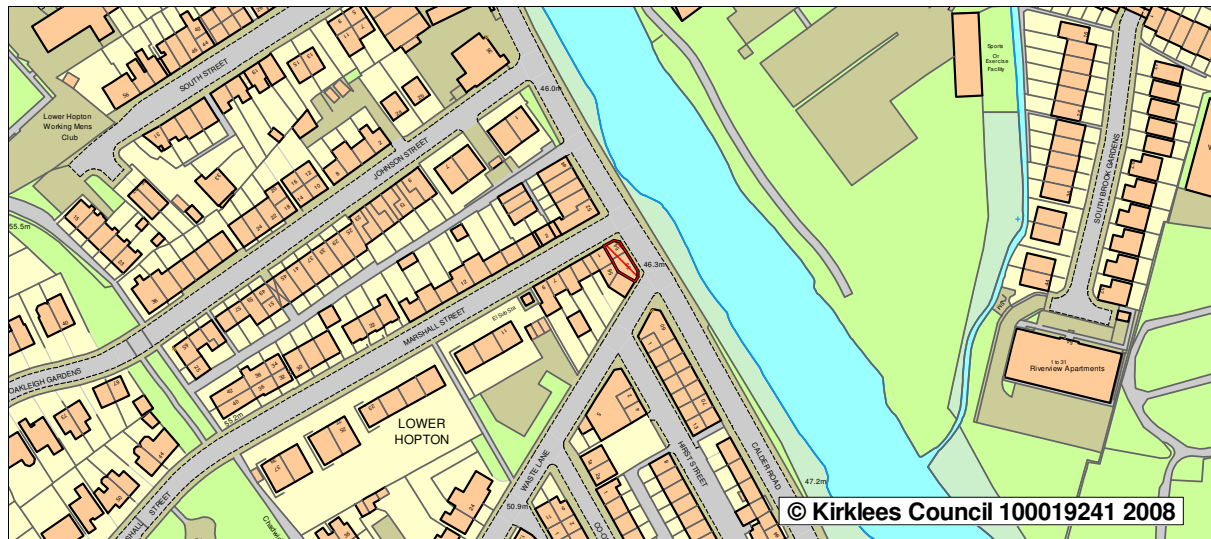
#### EXTENSION EXPIRY DATE

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



**Map not to scale – for identification purposes only**

---

## Electoral Wards Affected: Mirfield

Yes

Ward Members consulted  
(referred to in report)

### RECOMMENDATION:

#### REFUSE

**1. The timber cladding proposed to be installed along the entire ground floor frontage would not be in-keeping with the character and appearance of the host dwelling and wider street scene which comprises predominantly of stone-faced properties. To approve the application would be to the detriment of visual amenity and contrary to Policies D2, BE1, BE2, and BE16 of the Kirklees Unitary Development Plan as well as chapter 7 of the National Planning Policy Framework.**

#### 1.0 INTRODUCTION:

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee for determination following committee requests from Ward Councillors Martyn Bolt and Kath Taylor. Their requests are as follows:-
- 1.2 Cllr Martyn Bolt – *“If you are minded to refuse then on behalf of my constituent and in support of local businesses I would like to ask that the matter is passed to the planning committee for members to make that decision and allow parties to put their case, with a site visit to help. The benefits of a continued business use at the site are, in my view, considered to outweigh the visual amenity concerns which have been raised by Officers”* .
- 1.3 Cllr Kath Taylor – *“Can I request as a Mirfield Ward Cllr that this is a Committee decision please. There have been no objections from residents and other businesses in Lower Hopton with regards to the cladding that the applicant is requesting”*.
- 1.4 The Chair of the Heavy Woollen Sub-Committee has confirmed that Councillors Bolt and Taylor’s reasons for making the requests are valid having regard to the Councillor’s Protocol for Planning Committees.

#### 2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is no.54 Calder Road, Lower Hopton, Mirfield. This is a prominent building, located at the junction of Calder Road with Waste Lane and Marshall Street. On the opposite side of Calder Road from the application site is the River Calder.



2.2 The application site comprises of a traditional end terrace (which was originally two units, nos.54 and 58, but now one unit), in a row of other two storey, natural stone faced properties. There is some existing timber cladding at fascia level (located between the ground and first floor windows), this extends across the frontage with Calder Road and wraps around the building above the existing main entrance and onto the Marshall Street frontage, as well as onto the Waste Lane frontage, where there is another doorway into the premises. There are some high level windows at ground floor level and larger, traditionally proportioned openings at first floor level. The main entrance into the building is located on the corner of the site (at the junction of Calder Road with Marshall Street). There is signage above and on the main doorway.

2.3 Within the immediate vicinity, the properties are predominantly faced in natural stone, with other facing materials used sporadically within the wider area.

### **3.0 PROPOSAL:**

3.1 The proposal is for the installation of a new shop front and entrance. The proposals involve the enlargement of the high level ground floor windows to each elevation and the re-positioning of the main entrance onto the Calder Road frontage.

3.2 The proposals also include the installation of vertical larch timber cladding across the entire ground floor of the building.

3.3 New signage is also proposed however, this is being considered as part of a separate advertisement consent, as referenced in section 4 of this report.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 2017/90824 – Erection of 3 illuminated signs – Undetermined

### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The applicant was advised of the concern of officers during the course of the application. The applicant did not wish to amend the scheme and lobbied the local ward councillors.

### **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight.

Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **D2** – Unallocated land  
**BE1** – Design principles  
**BE2** – Quality of design  
**BE16** – Shop fronts  
**T10** – Highway safety

Supplementary Planning Guidance / Documents:

- 6.3 None applicable

National Planning Guidance:

- 6.4 **Chapter 1** – Building a strong, competitive economy  
**Chapter 7** – Requiring good design  
**Chapter 10** – Meeting the challenge of climate change, flooding and coastal change

Draft Local Plan Policies:

- 6.5 **PLP1** – Presumption in favour of sustainable development  
**PLP2** – Place shaping  
**PLP8** – Safeguarding employment land and premises  
**PLP21** – Highway safety and access  
**PLP24** – Design  
**PLP25** – Advertisements and shop fronts  
**PLP27** – Flood risk

**7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 As a result of the statutory publicity for this application, there have been no representations received from any members of the public.
- 7.2 Ward Councillors Kath Taylor, Martin Bolt, and Vivien Lees-Hamilton, have all been in contact about the scheme.
- 7.3 Councillors Taylor and Bolt has requested a committee decision, for the reasons set out in section 1.0 of this report. Councillor Lees-Hamilton asked to be kept updated.
- 7.4 Mirfield Town Council were notified of the application but no comments have been provided.

**8.0 CONSULTATION RESPONSES:**

**8.1 Statutory:**

**K.C. Highways Development Management** – Confirmed ‘no objection’. There would be no steps encroaching onto the footpath as a result of the new position of the main entrance into the premises.

## 8.2 **Non-statutory:**

**K.C. Environmental Services** – Suggest the inclusion of conditions relating to the submission of details for any extract ventilation system and any external lighting. A footnote relating to hours of construction is also suggested.

## 9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

### 10.0 **APPRAISAL**

#### Principle of development

10.1 Chapter 1 of the NPPF highlights the importance of “securing economic growth in order to create jobs and prosperity”. The installation of new shop frontages can indeed contribute to this aim by enhancing the appearance of a business premise and encourage more customers to the site.

10.2 In addition to the above, the site has no specific allocation in the UDP. Policy D2 of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

#### Urban Design issues

10.3 As set out above, the principle of installing a new shop front is supported by officers. Furthermore, the proposals to change the proportions of the openings at ground floor level, along with the re-positioning of the entrance door, are considered, by officers, to contribute to the visual amenity of the area, and would be consistent with the aims of Policies D2, BE1, BE2, and BE16 of the UDP, as well as chapter 7 of the NPPF.

10.4 Notwithstanding the above, officers have raised concern with the applicant in regard to the proposed installation of vertical larch timber cladding across the entire ground floor frontage. It should be acknowledged that the Post Office building opposite the application site has some areas of timber (e.g. the loading door) and the application site itself has a timber fascia. As such, officers have suggested to the applicant that some element of timber cladding could enhance the visual amenity of the premises, however, the extent of timber cladding being proposed would be, in the view of officers, out of keeping within the street scene (which predominantly comprises of stone faced frontages) and thus, the extent of timber cladding proposed would be harmful to visual amenity, contrary to Policies D2, BE1, BE2, and BE16 of the UDP, as well as chapter 7 of the NPPF.

- 10.5 Following discussions with the applicant, amended plans have not been forthcoming, and ward member committee requests for the application, as originally submitted, have been received, as set out in section 1 of this report.
- 10.6 Taking all of the above into account, the proposals are considered harmful to the visual amenity of the host building and wider streetscene, and to approve the application would be contrary to Policies D2, BE1, BE2, and BE16 of the UDP, as well as chapter 7 of the NPPF.

#### Residential Amenity

- 10.7 There are no residential amenity issues as a result of the installation of the new shop front and re-positioning of the entrance.
- 10.8 The submitted floor plans show that the basement area would be used for the hand pressing of garments where a dryer, printing carousel, sink for ink mixing and ventilation system are required. Although this use would be considered to be ancillary to the retail use due to the small scale, given the components and need for ventilation of the premises, formal consultation was carried out with the Council's Environmental Services in order to ensure that the proposals comply with the aims of chapter 11 of the NPPF.
- 10.9 Following consultation with the Council's Environmental Services, should approval be granted, a condition has been recommended to be imposed relating to the submission of details relating to an extract ventilation system. In addition, a condition has also been suggested relating to the submission of details relating to the installation of any external lighting in order to ensure that there is no unacceptable glare as are result of such lighting. The inclusion of these conditions would be reasonable, should permission be granted, and would ensure that the proposals would comply with the aims of the NPPF.

#### Highway issues

- 10.10 The installation of the new shop front and entrance would not result in any highway safety or efficiency implications, complying with the aims of policies D2 and T10 of the UDP.
- 10.11 With regard to the new entrance into the premises, which is proposed to be centrally places along the Calder Road frontage, the proposals have been reviewed by K.C. Highways Development Management (HDM) from a pedestrian safety and efficiency perspective.
- 10.12 As demonstrated on the submitted plans, the proposals do not include the provision of any steps/railings encroaching onto the pedestrian footway along Calder Road. As such, the proposals are considered acceptable from a pedestrian safety and efficiency perspective, complying with the aims of policies D2 and T10 of the UDP.

### Drainage and Flood risk issues

- 10.13 A small area of the site falls within flood zone 2. Due to the scale and nature of the proposals, it is not considered to result in any increased flood risk / drainage issues. Furthermore, the proposals fall outside of the scope for consulting with the Environment Agency.

### Representations

- 10.14 There have been no representations received from any members of the public as a result of the publicity.
- 10.15 The comments raised by the Local Ward members in respect of the 'planning balance' have been carefully considered by officers. However, officers are of the opinion that the harm that would be caused to visual amenity as a result of the proposed timber cladding would not be outweighed by any potential economic benefits from the proposal. It is the view of officers that a scheme improving the shop frontage can be achieved on this site, but without the extent of timber cladding proposed as part of this application.

### Other Matters

- 10.16 There are no other matters considered relevant to the determination of this application.

## **11.0 CONCLUSION**

- 11.1 Taking all of the above into account, officers have significant concern regarding the installation of the timber cladding across the entire ground floor frontage and the detrimental impact this would have upon the visual amenity of the host building and wider street scene.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration. Recommendation is to refuse the application.

## **Background Papers:**

### Application and history files:-

The website link to the application details is included below:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90823>

Certificate of Ownership – Certificate A signed by Mr Neil Kapusi and dated 05/03/2017.

The website link to the advertisement consent is:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90824>

---

## Report of the Head of Strategic Investment

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

**Subject: Planning Application 2017/91267 Outline application for demolition of existing farm buildings and erection of 5 detached dwellings Dry Hill Farm, Dry Hill Lane, Denby Dale, Huddersfield, HD8 8YN**

#### APPLICANT

S Blyth, C/O Agent

#### DATE VALID

12-Apr-2017

#### TARGET DATE

07-Jun-2017

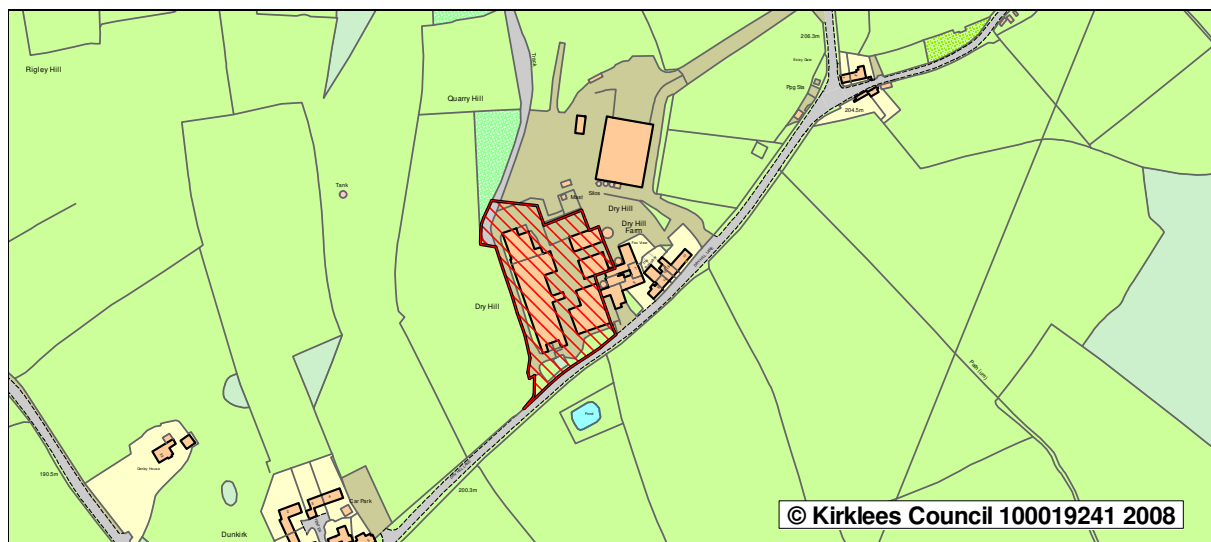
#### EXTENSION EXPIRY DATE

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



**Map not to scale – for identification purposes only**

---

**Electoral Wards Affected: Denby Dale**

Yes

Ward Members consulted

## **RECOMMENDATION:**

### **REFUSE**

**1. The application site is located within the designated Green Belt whereby, as set out in the National Planning Framework (NPPF), the construction of new buildings is regarded as inappropriate development. The proposed development would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. The evidence submitted with the application does not outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt through new built form and the paraphernalia and activities associated with the domestic use of the site. Consequently, the very special circumstances that are required to grant planning permission do not exist, and the proposals would conflict with Chapter 9 of the National Planning Policy Framework.**

### **1.0 INTRODUCTION:**

1.1 The application is brought to the Heavy Woollen Planning Sub Committee for determination due to previous Committee interest and because the site area exceeds 0.5ha. This is in accordance with the Council's Scheme of Delegation.

### **2.0 SITE AND SURROUNDINGS:**

2.1 The site comprises of a large farm complex of approximately 0.7ha and contains a number of redundant agricultural buildings of typical, modern construction. The site is accessed directly from Dry Hill Lane and located adjacent to existing dwellings to the east and a large food processing plant to the north east. The land to the north and south is characterised by open countryside, also extending to the west where it meets a small residential development complex of converted buildings and a public house.

### **3.0 PROPOSAL:**

3.1 The proposals relate to an outline application for the erection of 5 dwellings. This would involve the demolition of the existing farm buildings. The application seeks the matters of access and layout to be determined at this stage, and the submitted plans demonstrate a development of detached



dwellings with central access road leading to a turning head. Plots 1 to 3 would address Dry Hill Lane, whilst Plots 4 and 5 would be located to the north west of Plot 3, facing the access road.

#### **4.0 RELEVANT PLANNING HISTORY:**

4.1 2016/93148 – Outline application for the erection of 7 dwellings - refused

2016/93033 – Prior approval for proposed change use of agricultural building to one dwelling – approved

2016/91863 – Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – approved

2016/90950 – Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – withdrawn

2016/90866 - Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – withdrawn

2015/93255 – Outline application for erection of 8 dwellings – withdrawn

2014/93557 - Prior approval for proposed change of use of agricultural building to one dwelling and associated operational development – approved

2001/92858 – Erection of Dairy – approved

#### Land at Clough House Lane (in applicant's ownership)

2015/91740 – Erection of temporary farm workers dwelling – approved

2015/91728 – Prior notification for erection of agricultural building – details approved

2014/93951 – Erection of cattle shed – approved

2014/93799 – Erection of agricultural building and farm workers dwelling – withdrawn

#### **5.0 HISTORY OF NEGOTIATIONS:**

5.1 The current application follows the refusal of the previous application ref 2016/93148. The current application shows a reduction in the number of residential units proposed, and an amendment to the layout of the development. In addition, the applicant has provided the findings of a marketing exercise to support their view that the site is no longer viable for agricultural purposes. The applicant considers these factors, in addition to the information that was previously submitted at the time of the last application, to constitute 'very special circumstances', however Officers view remains unchanged.

## 6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

### Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is located within the Green Belt on the Kirklees Unitary Development Plan.

BE1 – Design Principles  
BE2 – Quality of Design  
BE12 – Space about Buildings  
T10 – Highway Safety  
G6 – Land contamination  
EP11 – Ecological landscaping

### Kirklees Publication Draft Local Plan:

- 6.3 The application site is allocated as Green Belt on the Draft Local Plan.

PLP1 - Presumption in favour of sustainable development  
PLP11 - Housing  
PLP21 - Highway safety and access  
PLP22 - Parking  
PLP24 - Design

### National Planning Guidance:

- 6.4 National Planning Policy Framework.

Chapter 6 - Delivering a wide choice of high quality homes  
Chapter 7 - Requiring Good Design  
Chapter 8 - Promoting healthy communities  
Chapter 9 – Protecting Green Belt Land  
Chapter 10 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 11 - Conserving and Enhancing the Natural Environment

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been publicised by site notice and neighbour notification letter. As a result of site publicity, 4 representations have been received. The concerns raised can be summarised as follows:

- Development could result in overshadowing and overlooking to adjacent dwellings
- Development may cause access issues along Dry Hill Lane for all current residents. Increased traffic at the 'Dunkirk' junction on Barnsley Road can only have a negative effect as this is already a busy and dangerous junction
- The houses are taking away the history of the farm and turning a once working farm into another housing estate
- Demolition of on the site has taken place without consideration to wildlife and welfare of the animals which remain on the site
- Development will result in noise disturbance to adjacent occupiers
- Development will spoil the landscape
- Applicant was given this land on the understanding that it would be kept as a farm
- Reduction from 7 dwellings to 5 is still too many dwellings

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**The Coal Authority:** No specific observations at this stage

**KC Highways Development Management:** Currently assessing additional information submitted to address concerns raised in their initial consultation response.

### **8.2 Non-statutory:**

**KC Biodiversity officer:** No objections

**KC Environmental Services:** recommend imposition of conditions

## **9.0 MAIN ISSUES**

- Principle of development
- Impact on openness of Green Belt/Very Special Circumstances
- Layout
- Scale and Appearance
- Residential Amenity
- Landscaping
- Highway issues
- Drainage issues
- Ecology
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is within the Green Belt and paragraphs 87 and 88 of the National Planning Policy Framework (NPPF) apply. Paragraph 87 of the NPPF advises that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 requires that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 10.2 Paragraph 89 advises that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 10.3 The NPPF definition of previously developed land specifically excludes land that is or has been occupied by agricultural or forestry buildings.
- 10.4 The redevelopment of land in agricultural use does not form one of the exceptions set out in the NPPF. The development proposed is therefore considered to be inappropriate within the Green Belt.
- 10.5 The NPPF advises that inappropriate development is by definition harmful to the Green Belt and should not be approved except where very special circumstances clearly and demonstrably outweigh the harm. Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.
- 10.6 The potential harm to the Green Belt arises from the impact of development upon the purposes of including land within it, the impact upon its openness and the impact that arises from any other harm.
- 10.7 Paragraph 79 of the NPPF stipulates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.
- 10.8 Paragraph 80 sets out the five purposes of Green Belt:
- To check the unrestricted sprawl of large built up areas
  - To prevent neighbouring towns merging into one another
  - To assist in safeguarding the countryside from encroachment
  - To preserve the setting and special character of historic towns; and
  - To assist in urban regeneration by encouraging the recycling of derelict and other urban land.

## **Impact on openness of the Green Belt**

- 10.9 The application site comprises a group of modern agricultural buildings on a concrete yard, some of which have been partially dismantled. The buildings are located to the east of a cluster of residential properties and a food processing plant, historically connected with the farm. The aspect to the north, south and west is significantly open.
- 10.10 Such agricultural buildings are characteristic of the Green Belt landscape. The proposed development would result in a significant change to the existing agricultural landscape, however the applicant asserts that it will serve to enhance the openness and character of the Green Belt when compared to the present form and position of the buildings on the site, and that the eventual appearance of the development will be in keeping and continuing the form and character of the existing residential development to the east, south and south east of the site.
- 10.11 The applicant states that they have arrived at the proposed number of dwellings through examination of the existing financial liabilities associated with the site. Officers acknowledge that the proposed development is likely to be constructed of good quality materials, in keeping with the character of existing residential development. Notwithstanding this, the proposed dwellings would appear as a new form of development on the site and one that would provide a significant change to the existing agricultural landscape, being highly visible from the northern, southern and western aspects. As such it is considered that the proposal would be a visual form of development within the Green Belt that would impact negatively on its openness and character. Therefore, the development would be harmful to the Green Belt and be contrary to guidance contained within Chapter 9 of the NPPF.

## **Very Special Circumstances**

- 10.12 The considerations presented by the applicant are set out in the supporting planning statement and supplementary information. These are as follows:
- 10.13 Existing Farming Operation and Proposed Farming Enterprise  
Dry Hill Farm is a redundant Farm. Permission has been granted for a new beef farming operation on Clough House Lane further to the north east (see relevant history). The existing buildings and farm yard are not appropriate for the applicant's proposed beef farming operation - the farm buildings and farmyard are not suitable to house the beef cattle due to modern farming requirements, more stringent regulations in hygiene and feeding arrangements. There would need to be significant investment and due to the complications stated above, the applicant considers that farming operations at this site must be moved with the site undergoing a change of use and re-development to residential. The applicant considers that where planning permission is not granted, the site is likely to fall into disrepair, become a blot on the landscape and pose a health and safety risk to the nearby residential properties and food processing plant.

10.14 Funding and Conversion of existing barns under the Prior Approval process

In order to fund the applicant's proposed farming enterprise and pay significant legal fees attached to his Father's will, he has submitted several applications for prior approval for change of use of the existing agricultural buildings to form dwellings. Approval has been given for the change of use of two of the modern agricultural buildings, in addition to a third stone building to the north east (just outside the red line boundary of the application site). However, the applicant states that the profit received from the sale of these will not fully cover existing costs and self-fund the development of the new farming enterprise.

The applicant states that where he cannot self-fund the construction of the new farming site at Clough House Lane, whilst there are other finance options potentially available, this will severely restrict the optimisation of the intended modern and sustainable agricultural facility, which he considers should be supported due to its rural location and the downturn in viable farming options locally, regionally and nationally.

10.15 Comparison of uses on the site and impact on openness and visual amenity

The applicant has provided the following comparison of the existing and proposed uses of the site:

	<b>Existing %</b>	<b>Proposed %</b>
Buildings	36	8.5
Concrete Hardstanding	45	8.2
Waste Land, sespit and grain stores	19	
Open land		43.3

The applicant calculates that the existing volume of buildings on site is 16264 cubic metres. The proposed residential development represents a total volume of 4924.9 cubic metres. As such, this contributes to a 69.7% reduction in the volume of buildings on the site. The applicant considers that the removal of the large volume of buildings and the movement of the vehicle store to the new farm location would improve visual amenity for the adjacent residential properties and should be considered to have less of an impact on the visual amenity of the Green Belt than the existing development.

10.16 Marketing of the site

Since refusal of the previous application ref: 2016/93148, the applicant has undertaken a marketing exercise in relation to the site. The site was marketed for 6 months and 3 enquiries were received. The applicant states that all enquirers were interested in the site due to the size and number of buildings available, however concerns were raised regarding the differing levels, poor condition of the concrete yard, and close proximity to the food processing plant and neighbouring dwellings.

The applicant considers that feedback resulting from enquiries supports the view that the farm buildings and yard surface require significant upgrading for any other uses permitted under the General Permitted Development Order. In addition, they state that piecemeal development would not be appropriate in this instance; therefore the cost to redevelop the site for other uses would be unworkable.

10.17 Location of the site and its suitability for residential use

The applicant accepts that the site is not in a central village location but is served by a bus route that runs hourly, and the school bus also serves the area. The site is located 15 mins walk from the centre of Denby Dale. Apart from the food processing plant to the rear of the site and the Dunkirk Public house, the remaining properties in close proximity are all residential properties. Furthermore, the applicant contends that the proposed development will contribute to much needed housing in the area and that this site should be welcomed by the Council as contributing towards improving housing figures

10.18 Recycling of Materials and Renewable Forms of Energy

The applicant considers that existing materials on the site could be re-used on the new farming operation at Clough House Lane, and that there are benefits to using renewables such as Ground Source Heat Pumps and Photovoltaics, which could be discussed at the reserved matters stage.

10.19 Contribution to new and sustained local employment

The applicant is of the view that the development would contribute to local employment through the construction phases and in the continuation of the farming operation at Clough House Lane. In particular, this would enable the continued employment of the existing herdsman who has been employed by the applicant for over 30 years.

10.20 The circumstances put forward by the applicant are material considerations, however they would only overcome the presumption against inappropriate development if they were considered (either by themselves or together with other circumstances) to constitute very special circumstances that clearly outweigh the harm caused to the Green Belt by inappropriateness and any other harm.

10.21 The existing development is appropriate within the Green Belt and therefore is not considered to be of harm to the openness of the Green Belt or the purposes of including land within it. The impact of the proposed development on the visual amenity of the Green Belt is not in itself a very special circumstance matter but can be weighed alongside other material considerations outside of the Green Belt assessment.

10.22 At the time of the applications relating to the applicant's new farming enterprise at Clough House Lane, the financial connection between that and the current proposal for residential development at Dry Hill Farm was not put forward. Those applications were assessed on the basis of the information submitted at the time.

- 10.23 Approval has been granted for the change of use of two of the modern agricultural buildings within the red line boundary of the application site to form dwellings under Part 1, Schedule 2, Class Q of the Town and Country Planning (General Permitted Development) Order 2015. Prior to these, another Prior Approval was granted for the change of use of a stone barn to dwelling adjacent the site to the north west. Under Class Q, applicants can seek approval for the change of use of agricultural buildings to form up to 3 dwellings. The current application seeks approval for 5 detached dwellings which would have a greater impact upon the openness of the Green Belt compared to the conversion of 3 existing agricultural buildings (which is a potential alternative based on the above circumstances).
- 10.24 The Council is unable to demonstrate a five year supply of available housing land sufficient to satisfy the requirements of the NPPF. Notwithstanding this, advice in National Planning Practice Guidance clarifies that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt. Despite the lack of a 5-year supply of available housing land therefore, the proposed development is not considered to constitute ‘sustainable development’ in principle.
- 10.25 Officers consider that the information put forward by the agent does not constitute very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness or other harm and has not sufficiently overcome the previous reasons for refusal.

### **Layout**

- 10.26 The proposed development would constitute a cul-de-sac form of development, although Plots 1-3 would address Dry Hill Lane. This is out of keeping with the pattern of surrounding development; however it is acknowledged that the most recent Prior Approvals granted under Class Q could result in the siting of two conversions in similar positions to those of Plots 3 and 5.

### **Scale and Appearance**

- 10.27 The matters of the scale and appearance of the development are reserved for subsequent approval at the detailed stage, however the submitted information states that the proposed dwellings would be constructed of natural reclaimed stone with stone slate roofs. The use of such materials would be in keeping with the predominant character of existing residential development to the east, and would ensure that the development would accord with Policies BE1 and BE2 of the Unitary Development Plan.

### **Residential Amenity**

- 10.28 The impact of the development on residential amenity needs to be considered in relation to Policy BE12 of the Unitary Development Plan. Policy BE12 sets out recommended distances that should be achieved between existing and proposed dwellings.



- 10.29 The layout of the proposed development is such that the aims of Policy BE12 would be met both within the development itself and in relation to adjacent existing residential development.
- 10.30 The site is located in close proximity to the adjacent dairy/food processing plant, therefore in order to protect the amenity of future occupiers of the development arising from noise, it would be necessary for the applicant to submit a noise report to be approved by the Local Planning Authority, to ensure that the development would accord with Policy EP4 of the Unitary Development Plan.

### **Landscaping**

- 10.31 The submitted plans indicate that the front and rear portions of the site would take the form of paddocks, with some planting shown along plot boundaries and to the northern boundary of the site. As the matter of landscaping is reserved for subsequent approval, it is expected that further details would be submitted at the reserved matters stage.

### **Highway issues**

- 10.32 The proposed development would be accessed via a private driveway leading to Dry Hill Lane. Each dwelling would have a double garage and adequate off-street parking provision. The proposed layout indicates the access road to be 6.0m in width leading to a shared turning area.
- 10.32 There is an accident cluster at the junction of Dry Hill Lane and the A635 Barnsley Road (Dunkirk Pub). However, various improvements have been undertaken at the crossroads, with 1 accident within the last 2 years, attributed to low sun.
- 10.33 Since submission of the application, additional information has been received in the form of speed surveys and an amended site layout plan, in order to inform the visibility splay requirements and internal vehicle turning. This is currently being assessed by KC Highways Development Management and will be addressed in the update.

### **Drainage issues**

- 10.34 The development proposes to dispose of foul drainage via the existing mains sewer and surface water drainage to soakaways. No adverse comments have been received from consultees in respect of this matter.

### **Ecology**

- 10.35 Paragraph 118 of the NPPF states “when determining applications Local Planning Authorities should aim to conserve and enhance biodiversity” by applying a number of principles. These include the conservation and enhancement of biodiversity in and around developments. Considering the site location and nature of the buildings, the potential for roosting bats to be present is limited, and no further information is required to support the application.

- 10.36 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. This matter could be dealt with by condition, should the application be approved.

### **Representations**

- 10.37 Four representations have been received from the occupiers of Fox View to the east of the site. Their concerns are addressed in the main body of the report.

### **Other Matters**

- 10.38 **Air Quality:** Paragraph 109 of the NPPF states that “the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, amongst other things, air pollution”. On relatively small new developments, this can be achieved by promoting green sustainable transport through the installation of vehicle charging points. This could be secured by planning condition, if the proposals were considered to be acceptable.
- 10.39 **Land Contamination:** The land may be contaminated due to the former use of the site as a working farm. As such, a series of conditions would need to be imposed to ensure this matter is addressed, should the proposals be considered to be acceptable, to ensure that the development accords with Chapter 11 of the NPPF.

## **11.0 CONCLUSION**

- 11.1 The proposed development is considered to represent inappropriate development in the Green Belt which would be harmful to the openness and character of the Green Belt.
- 11.2 The justification submitted by the Agent has been assessed. However, this is not considered to demonstrate very special circumstances that clearly outweigh the harm to the Green Belt by reason of inappropriateness and other harm.
- 11.3 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute what sustainable development means in practice.
- 11.4 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and that there are specific policies in the NPPF which indicate the development should be restricted.

## 12.0 Reason for Refusal

1. The application site is located within the designated Green Belt whereby, as set out in the National Planning Framework (NPPF), the construction of new buildings is regarded as inappropriate development. The proposed development would constitute inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and which should not be approved except in very special circumstances. The evidence submitted with the application does not outweigh the harm that would result to the Green Belt by reason of inappropriateness and the harm to the openness and character of the Green Belt through new built form and the paraphernalia and activities associated with the domestic use of the site. Consequently, the very special circumstances that are required to grant planning permission do not exist, and the proposals would conflict with Chapter 9 of the National Planning Policy Framework.

### Background Papers:

Application and history files

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91267>

Certificate of Ownership – Certificate A signed

This page is intentionally left blank

---

## Report of the Head of Strategic Investment

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

**Subject: Planning Application 2017/92152 Erection of dwelling forming annex accommodation associated with 20, Bywell Close, Dewsbury, WF12 7LW 20, Bywell Close, Dewsbury, WF12 7LW**

#### APPLICANT

P Kane

#### DATE VALID

22-Jun-2017

#### TARGET DATE

17-Aug-2017

#### EXTENSION EXPIRY DATE

---

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

#### LOCATION PLAN



**Map not to scale – for identification purposes only**

---

**Electoral Wards Affected: Dewsbury East**

No

Ward Members consulted  
(referred to in report)

---

## **RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.**

### **1.0 INTRODUCTION:**

1.1 The application is brought to the Heavy Woollen Planning Sub Committee for determination because the applicant is Councillor Paul Kane. This is in accordance with the Council's Scheme of Delegation.

### **2.0 SITE AND SURROUNDINGS:**

2.1 The application site occupies a corner plot on Bywell Close. The existing host dwelling, no.20 Bywell Road, is a semi-detached bungalow with accommodation in the roof space, similar in character to the neighbouring dwellings on Bywell Close. The property has a driveway to the front and enclosed garden to the side and rear, in addition to a detached garage adjacent to the dwelling.

2.2 The dwelling is located within an established residential area of suburban character and is located approximately 1km north east of Dewsbury Town Centre.

### **3.0 PROPOSAL:**

3.1 Permission is sought for the erection of a single storey building to form annex accommodation associated with the existing dwelling. This would be located to the side (south) of the dwelling, externally faced in brickwork with concrete tiled roof to match the appearance of the existing dwelling. The development would comprise of an open plan lounge and kitchen area, one bedroom and shower room.

3.2 The existing garage would be demolished as part of the proposals, and one parking space is proposed to the front of the building. The driveway to the existing dwelling would be retained to provide two off street parking spaces.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 None

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Since submission of the application, amended plans have been received indicating a change to the roof design and fenestration details. An additional sectional plan has also been received which demonstrates the relationship between the proposed development and neighbouring dwelling, No.22 Bywell Close.

## **6.0 PLANNING POLICY:**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The application is unallocated on the UDP Proposals Map.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- **D2** – Unallocated Land
- **BE1** – General Design Principles
- **BE2** – Quality of Design
- **BE12** – Space about Buildings
- **T10** – Highway Safety
- **T19** – Parking Standards

6.4 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is without allocation or designation in the publication draft local plan.

**PLP1** – Presumption in favour of sustainable development

**PLP2** – Place shaping

**PLP21** – Highways and access

**PLP24** – Design

6.5 National Planning Guidance:

**Chapter 6** – Delivering a wide choice of high quality homes

**Chapter 7** - Requiring Good Design

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was publicised by site notice and neighbour notification letter. No representations have been received as a result of publicity.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

**K.C. Highways Development Management:** No objection - Sufficient parking would be retained on site to serve both the existing dwelling and the proposed annex.

### 8.2 Non-statutory:

None necessary

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters
- Conclusion

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site has no specific allocation in the UDP. Policy D2 of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment. Subject to these not being prejudiced, this aspect of the proposal would be acceptable in principle in relation to policy D2.

### Urban Design issues

- 10.2 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.3 The proposed development would be constructed of materials which are sympathetic in appearance to those of the host building, and by virtue of its single storey scale and appropriate design, would not detract from the character of the street scene. Furthermore, the development would not extend beyond the established building line to the north. The application site is of adequate size to accommodate the proposal without amounting to overdevelopment.



- 10.4 The proposed dwelling to form annex accommodation is considered to be acceptable from a visual amenity perspective and would comply with the aims of policies D2, BE1, and BE2 of the UDP as well as Chapter 7 of the NPPF.

#### Residential Amenity

- 10.5 The application site is surrounded by other residential properties and the proposals would bring development close to the shared boundary with no.22 Bywell Close. This adjacent dwelling has a detached garage to the side which would partially screen the development from that property. In addition, the submitted section drawing indicates that the ridge line of the proposed building would not extend above the cill of the bedroom window within the gable of no.22. For these reasons, Officers consider that the proposal would not have an overbearing impact upon the residential amenity of occupiers of no.22.
- 10.6 The proposed development would be sited to the east of no.22 and as a result of this orientation and the single storey scale of the building, there would be no significant impact from overshadowing. With regard to overlooking, there is only one small window, which would serve the WC/shower facing towards this neighbouring property – this window is proposed to be obscure glazed and would therefore result in no loss of privacy to these neighbouring occupants.
- 10.7 With respect to the impact of the development upon other neighbouring properties to the south and east, adequate separation distances would be achieved between the new building and these dwellings, which would ensure that there would be no loss of privacy, overshadowing, or overbearing impact.
- 10.8 For the reasons set out above, the proposals would not impact unduly upon the residential amenity of any surrounding occupants, and would accord with the aims of Policies D2 and BE12 of the UDP.

#### Highway issues

- 10.9 The application site is located on a residential estate road and the existing dwelling has the benefit of a driveway to the front, in addition to a detached garage. The proposals would involve the removal of the existing garage although adequate off street parking provision would be retained to serve both the existing dwelling and proposed development. The proposal is not considered to materially add to any highway safety or efficiency issues, in accordance with the aims of Policies T10 and T19 of the UDP.

#### Representations

- 10.10 None received

#### Other Matters

- 10.11 There are no other matters considered relevant to the determination of this application.

## **11.0 CONCLUSION**

11.1 The proposals would have no detrimental impact on residential or visual amenity, highway safety or the character of the area. The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

## **12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)**

1. Time limit (3 years) for implementation of development.
2. Development to be carried out in accordance with approved plans and information.
3. Facing and roofing materials to match those on the host dwelling.
4. Permitted Development Rights removed for additional openings.

### **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92152>

Certificate of Ownership - Certificate A signed and dated 21 June 2017.

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

#### PLANNING SUB-COMMITTEE HEAVY WOOLLEN

17 AUGUST 2017

---

**Planning Application 2017/91046**

**Item 14 – Page 63**

**Outline application for demolition of existing buildings and structures and erection of residential development**

**Greenside Mill, Savile Road, Skelmanthorpe, Huddersfield, HD8 9EE**

Representations on behalf of the applicant have been received querying the conclusion of the Independent Assessor regarding the levels of financial contributions that can be sustained by residential development on this site. It is necessary to allow the Council's Independent Assessor the opportunity to consider and respond to these representations, and that any response be available to Committee in making a decision. It is not considered appropriate to delegate this matter back to Officer's, and as such deferral is requested.

**Amended Recommendation: Defer**

---

**Planning Application 2017/92147**

**Item 15 – Page 75**

**Erection of single storey extension**

**7, Woodfield Avenue, Staincliffe, Batley, WF17 7EA**

#### **7.0 PUBLIC / LOCAL RESPONSE:**

Letters of support has been received from the adjoining neighbour no. 5 Woodfield Avenue and the disabled resident's GP.

#### **10.0 APPRAISAL**

##### Representations:

The applicant has also submitted a pack of supporting information, including:-

- A copy of the committee report with his annotations.
- Emails from Tracey Brabin MP and Cllr Shabir Pandor.
- AP1 – a series of emails between the applicant/ the officer and John Barry.
- AP2 – emails between the applicant and Cllr Gwen Lowe regarding the previous planning application.
- AP3 – emails between the applicant / Julia Steadman and John Barry.
- AP4 – emails between the applicant and Business Support team.

- AP5 – email from applicant to officer regarding the response from the Accessible Homes Team.
- AP6 – emails between the officer and the applicant regarding the previous planning application.

Officer's response: The above is noted however, for the reasons set out in the report contained in the agenda the recommendation to refuse the application remains.

---

**Planning Application 2017/91267**

**Item 18 – Page 103**

**Outline application for demolition of existing farm buildings and erection of 5 detached dwellings**

**Dry Hill Farm, Dry Hill Lane, Denby Dale, Huddersfield, HD8 8YN**

## **10.0 APPRAISAL**

### **Highway issues**

The applicant has now submitted speed surveys and an amended site layout plan which have been assessed by KC Highways DM.

The vehicle tracking as presented on the amended site layout plan is considered to be acceptable.

The applicant proposes a 2m footway with a raised kerb to the site frontage in order to improve the carriageway alignment and this is considered to be acceptable.

The revised speed survey data has informed the requirement for visibility splays of 2.4m x 43m to the east and 2.4m x 59m to the west. This could be secured by condition.

---